

IN RE: DEVELOPMENT PLAN HEARING \* BEFORE THE  
and PETITION FOR SPECIAL HEARING -  
S/S Old Court Road, E of \* DEPUTY ZONING COMMISSIONER  
Branchwood Road  
3rd Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \*  
\* Case Nos. III-369 and 96-290-SPH  
Nathan Patz, et ux, Owners; and,  
Harry Belman & Irv Polashuk, Contract Purchasers/Developers

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON REMAND

This matter comes before this Hearing Officer/Deputy Zoning Commissioner on Remand from the County Board of Appeals for a finding as to whether two density units were, in fact, reserved on Parcel A of the subject site, through the lawful recordation of same. In addition to the issue on remand, the Owners/Developers seek approval of an amendment to the previously approved Final Development Plan of The Patz Property, also known as the Plat of the Minor Subdivison of The Patz Property, to reflect the proposed development, known as The Trees Property.

As indicated above, this matter came before me for consideration of a development plan prepared by Development Engineering Consultants, Inc., for the proposed development of the subject property by Nathan and Doris Patz, Owners, and Harry Belman and Irv Polashuk, Contract Purchasers/Developers, with seven single family dwellings. The property consists of a gross area of 7.3527 acres, more or less, zoned D.R.1, and is located on the southeast side of Old Court Road and Branchwood Court. The project proceeded through the concept plan conference, community input meeting, and development plan conference as required, and came before me at a Hearing Officer's Hearing on July 26, 1995. By Order dated August 24, 1995, I approved the development plan for The Trees Property, subject to certain terms and restrictions. An appeal of my decision was subsequently heard

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

by the Baltimore County Board of Appeals who, by Order dated October 25, 1995, remanded the case back to this Hearing Officer as noted above. A second Hearing Officer's Hearing was scheduled for December 15, 1995, but was subsequently postponed so that the Applicants could file the instant Petition for Special Hearing seeking the relief as set forth above. The hearing on that Petition and the Remand from the Board of Appeals was then heard by this Hearing Officer/Deputy Zoning Commissioner, on March 27, 1996, after which Counsel for the Owner/Applicants and the Protestants submitted Post Hearing Memoranda of Law.

Appearing at the public hearing required for this project were Irv Polashuk, Owner/Developer, Thomas A. Church, President, Development Engineering Consultants, Inc., who prepared the development plan/site plan for this property, and Benjamin Bronstein, Esquire, attorney for the Owner/Developer. Appearing in opposition to the requests before me were Elaine O'Mansky, Vice President, Old Court/Greenspring Improvement Association, who was represented by Stephen J. Nolan, Esquire, Irving S. Kroll and Robin Kaplan, nearby residents of Branchwood Court, Neil Schechter, who appeared on behalf of the Arundel Corporation, adjacent property owners, and David S. Thaler. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing.

As noted above, there are two proceedings pending before this Deputy Zoning Commissioner/Hearing Officer concerning this property, which was formerly known as The Patz Property, and, also, as The Trees Property. As to the remand from the Board of Appeals, the issue before me is a very limited issue that has specifically been remanded to me by the Board of Appeals. The Board of Appeals otherwise affirmed my previous decision on this matter, however, specifically remanded the case in order for me, as

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DATE 3/14/96  
BY [signature]

Hearing Officer, to determine whether two density units were reserved on Parcel A of the subject site, through the lawful recordation of same. That is the only issue that is before this Hearing Officer on the Remand.

As to that particular issue, the following findings of fact are made. The property which is the subject of this case, formerly known as "The Patz Property", proceeded through the minor subdivision process in accordance with the development regulations of Baltimore County and received minor subdivision approval on June 3, 1991. Entered into evidence as Developer's/Petitioner's Exhibit 1, was a plat of The Patz Property, showing the subdivision of the property, which, at that time, consisted of 10.84 acres, into three separate parcels: Parcel A (1.6808 acres), Lot 1 (2.9 acres), and Tract B (5.6719 acres). This plat bears the signatures of David Thomas, a representative of the Department of Public Works, and Frank Fisher, a representative of the Office of Planning and Zoning, both signatures dated June 3, 1991. In addition, the subdivision plat specifically allocated the density units that would be associated with Parcel A (1.6808 acres), Tract B (5.6719 acres), and Lot 1 (2.9 acres) which was subsequently sold pursuant to the minor subdivision. These density allocations were contained on Page 2 of the aforementioned minor subdivision plat. It is from this minor subdivision plat, which received full approval from Baltimore County in June, 1991, that density has been allocated to Parcel A and Tract B in the aforementioned manner. Therefore, in response to the Remand of the Board of Appeals, I find that the proper procedures were followed in 1991 and that two density units were, in fact, reserved on Parcel A, pursuant to the development regulations of Baltimore County.

As to the Petition for Special Hearing, the Petitioners requested approval of an amendment to the Final Development Plan of The Patz Property

to be consistent with the seven-lot subdivision known as The Trees Property which came before me for development plan approval in July 1995. The site plan submitted with the Petition for Special Hearing, which was accepted and marked into evidence as Petitioner's Exhibit 3A, depicts the seven lots which were created on the property, pursuant to my Order issued in August, 1995. At that time, the Petitioners did not request a special hearing to amend the previously approved Final Development Plan of The Patz Property to show that the remaining 7.3527 acres had been subdivided into seven lots. Thus, the Petition for Special Hearing is necessary to reflect the changes that were made to the property, in effect, showing two lots on Parcel A, and five lots on Tract B, which is consistent with the density allocations specified on the minor subdivision plat entitled "The Patz Property".

After due consideration of the testimony and evidence presented, it is clear that an amendment to the previously approved final development plan is appropriate and should be approved. The relief requested will not be detrimental to the public health, safety, and general welfare and meets the spirit and intent of the zoning regulations.

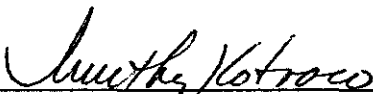
Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the relief requested on Remand and the Petition for Special Hearing shall be granted in accordance with the following:

IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 14<sup>th</sup> day of March, 1997 that the minor subdivision of "The Patz Property" received full and final approval by Baltimore County in June, 1991, and was, in fact, lawfully recorded, in accordance with the development regulations of Baltimore County in effect at the time

of its approval, and further, that two density units were reserved on Parcel A of the subject property, which is consistent with the development plan for The Trees Property, identified as Developer's Exhibit 1; and as such, the relief requested in the Remand be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the Final Development Plan of The Patz Property, also known as the Plat of the Minor Subdivison of The Patz Property, in accordance with Developer's/Petitioner's Exhibit 1, be and is hereby GRANTED, and is consistent with the seven lots depicted on Petitioner's Exhibit 3A.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 3/14/97  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

March 14, 1997

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

Benjamin Bronstein, Esquire  
Evans, George and Bronstein  
29 W. Susquehanna Avenue, Suite 205  
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING  
S/S Old Court Road, E of Branchwood Road  
3rd Election District - 3rd Councilmanic District  
Nathan Patz, et ux, Owners; and,  
Harry Belman & Irv Polashuk, Contract Purchasers/Developers  
Case Nos. III-369 and 96-290-SPH

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Remand portion of the Development Plan has been approved and the Petition for Special Hearing granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Nathan Patz, One Slade Avenue, Baltimore, Md. 21208  
Messrs. Richard Belman/Irv Polashuk, 3416 Keyser Road, Balto. Md. 21208  
Mr. Thomas Church, Development Engineering Consultants, Inc.  
6603 York Road, Baltimore, Md. 21212

Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams  
502 Washington Avenue, Suite 700, Towson, Md. 21204  
Ms. Elaine O'Mansky, Vice President, Old Court Greenspring Imp. Assoc.  
2 Saxony Court, Baltimore, Md. 21208  
Mr. Irving S. Kroll, 8 Branchwood Court, Baltimore, Md. 21208  
Ms. Robin Kaplan, 4 Branchwood Court, Baltimore, Md. 21208  
Neil Schechter, Esquire, 233 E. Redwood Street, Baltimore, Md. 21202

Ms. Chris Rorke, Proj. Mgr., DPDM; DEPRM; DPW; Peoples Counsel; File

MICROFILMED

RE: PETITION FOR SPECIAL HEARING  
SEC Old Court Road and Branchwood Court  
(Trees Property), 3rd Election District,  
3rd Councilmanic

Legal Owners: Nathan and Doris Patz  
Contract Purchasers: Richard Belman and  
Irv Polashuk  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-290-SPH  
\*

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

4/20/96



# Petition for Special Hearing

96-290-SPH  
to the Zoning Commissioner of Baltimore County

for the property located at

South side of Old Court Road at  
East side Branchwood Court 10.84 acres

which is presently zoned DR 1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve amendment to the Final Development

Plan of "The Patz Property" also known as Plat of the Minor Subdivision of  
"The Patz Property".

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Richard Belman and Irv Polashuk

(Type or Print Name)

*Richard Belman*  
Signature

3416 Keyser Road

Address

Baltimore, Maryland 21208

City State Zipcode

Legal Owner(s)

Nathan Patz

(Type or Print Name)

*Nathan Patz*  
Signature

Doris Patz

(Type or Print Name)

*Doris Patz*  
Signature

One Slade Avenue

Address

410-486-6048

Phone No.

Baltimore, Maryland 21208

City State Zipcode

Name, Address and phone number of representative to be contacted.

Thomas Church, P.E.

Development Engineering Consultants, Inc.

Name 6603 York Road

Baltimore, MD 21212 (410) 377-2600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: *Jim* DATE *1-31-96*

Attorney for Petitioner: Benjamin Bronstein

Evans, George and Bronstein

(Type or Print Name)

*Benjamin Bronstein*  
Signature

29 W. Susquehanna Ave., Suite 205

Address (410) 296-0200 Phone No.

Towson, Maryland 21204

City State Zipcode

ORDER RECEIVED FOR FILING

Date

By





# DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road  
Baltimore, Maryland 21212  
(410) 377-2600  
(410) 377-2625 Fax

## ZONING DESCRIPTION

TREES PROPERTY  
3RD ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

96-290-5PH

BEGINNING for the same at a point in or near the center of Old Court Road, as described in a Deed dated July 30, 1980 and recorded among the Land Records of Baltimore County in Liber 6188, Folio 770, 1) thence leaving Old Court Road, South 40 degrees 52 minutes 37 seconds East 741.17 feet to a point; 2) thence South 44 degrees 53 minutes 47 seconds West 428.33 feet to a point, situated on the northeasterly most side of a 50.00' right-of-way, formerly known as Oak Road; 3) thence running with and binding on said right-of-way North 63 degrees 31 minutes 10 seconds West 480.00 feet to a point situated on the northeasterly most right-of-way line of Branchwood Court, being a variable width right-of-way; 4) thence running with and binding on the last mentioned right-of-way, the following three courses and distances: North 53 degrees 17 minutes 10 seconds West 200.00 feet; 5) thence North 39 degrees 34 minutes 10 seconds West 200.00 feet; 6) thence with a curve to the right having a radius of 29.80 feet, an arc of 51.24 feet and being subtended by a chord bearing and distance of North 09 degrees 42 minutes 08 seconds East 45.16 feet to a point on the southeasterly side of Old Court Road; 7) thence North 31 degrees 02 minutes 10 seconds West 15.00 feet to a point in or near the center of Old Court Road; 8) thence running along the center of Old Court Road, the following two courses and distances: North 58

291

100-1-1000

96-290-SPH

degrees 57 minutes 50 seconds East 307.49 feet to a point; 9)

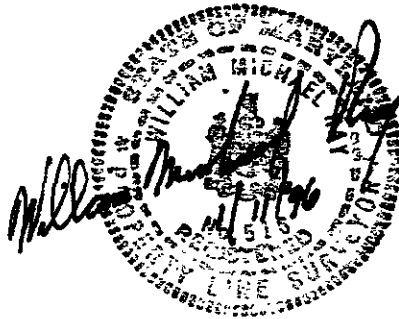
thence North 59 degrees 26 minutes 36 seconds East 315.05 to the point of beginning.

Containing 472,206 square feet or 10.8403 acres of land, more or less.

Being all that land as described in a Deed dated July 30, 1980, and recorded among the Land Records of Baltimore County in Liber 6188, Folio 770.

94-168

1-11-96



291

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96-290-SP41

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

District 3rd Date of Posting \_\_\_\_\_  
Posted for: Special Hearing / Remand  
Petitioner: Patz / Belman / Polashuk / Trus Property  
Location of property: 5EL Old Court + Branchwood  
Location of Signs: \_\_\_\_\_  
Remarks: \_\_\_\_\_  
Posted by Mart Shaw Signature \_\_\_\_\_ Date of return: \_\_\_\_\_  
Number of Signs: \_\_\_\_\_

MICROFILMED



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-290-SPH  
(Item 291)

Trees Property  
SEC. Old Court Road and  
Branchwood Court  
3rd Election District  
3rd Councilmanic

Legal Owner(s):

Nathan Patz and Doris Patz

Contract Purchaser:

Richard Dolman and Inv. Pro-

posals

Special Meeting to approve

amendment to the Final Develop-

ment Plan for the Patz

Property, also known as Plat

of the "The Patz Property" Re-

mand from Baltimore County

Board of Appeals

Hearing: Wednesday, March

6, 1996 at 9:00 a.m. in Rm.

118, Old Courthouse.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Call 887-3353.

(2) For information concern-  
ing the File and/or Hearing,  
Please Call 887-3391.

2216 Feb. 15

C32168

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 16, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 15, 1996.

**THE JEFFERSONIAN,**

*A. Henrichson*

**LEGAL AD. - TOWSON**

RECORDED

✓  
Post by: 2/20/96

CASE NUMBER: 96-290-SPH (Item 291)

Trees Property

SEC Old Court Road and Branchwood Court

3rd Election District - 3rd Councilmanic

Legal Owner: Nathan Patz and Doris Patz

Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".

Remand from Baltimore County Borad of Appeals.

HEARING: WEDNESDAY, MARCH 6, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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NOT RECORDED

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

291

No.

96-290-S PH

DATE 1-31-76 ACCOUNT 1001-6150

AMOUNT \$ 285.00

RECEIVED  
FROM:

NATION PATZ

"TREES REPAIR" IC - DONE - IT  
ADD RE. 1/2 BOWMANWOOD ST.

FOR:

HRG (040)  
FOSTINI (090)

252.00

235.00

MICROFILMED

285.00

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

1001-6150

JCM



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 291 Petitioner: NATHAN PATZ  
Location: SE CORNER OF OLD CT. RD. & BRANCHWOOD CT.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BENJAMIN BENSTEIN, ESQ.  
ADDRESS: 29 W. SUSQUEHANNA AVE. SUITE 205  
TOWSON, MD. 21204  
PHONE NUMBER: 296-0200





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 29, 1996

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".  
Remand from Baltimore County Board of Appeals.

NEW HEARING DATE: TUESDAY, MARCH 12, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in dark ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" written in a larger, more prominent script than the last name "Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Nathan and Doris Patz  
Thomas Church, P.E.  
Richard Belman and Irv Polashuk  
Benjamin Bronstein, Esq.  
Stephen Nolan, Esq.  
Nancy Paige, Esq.

MICROFILMED







Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 12, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".  
Remand from Baltimore County Board of Appeals.

HEARING: WEDNESDAY, MARCH 6, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Nathan and Doris Patz  
Thomas Church, P.E.  
Richard Belman and Irv Polashuk  
Benjamin Bronstein, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED  
FEB 15 1996





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 22, 1996

VIA FAX *3/22/96*

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".

HEARING: WEDNESDAY, MARCH 27, 1996 at 3:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Stephen J. Nolan, Esq. (fax #296-2765)  
Benjamin Bronstein, Esq. (fax #296-3719)  
Nancy E. Paige, Esq. (fax #576-4167)  
Tom Church (fax #377-2625)



MESSAGE CONFIRMATION

MAR-22-'96 FRI 15:11

TERM ID: ZACH  
TEL NO: 410-387-5703

NO.	DATE	ST. TIME	TOTAL TIME	ABSP	SED	IF	DEPT CODE	#PGS
524	03-22	15:07	00:00:45			001300	3003	01-116-0

*Nancy Paige*

MESSAGE CONFIRMATION  
TRANSMISSION

MAR-22-'96 FRI 15:08

TERM ID: ZACH  
TEL NO: 410-387-5703

P-0000

NO.	DATE	ST. TIME	TOTAL TIME	ABSP	SED	IF	DEPT CODE	#PGS
524	03-22	15:07	00:00:45			001300	3003	01-116-0

*Stephen Nolas*

MESSAGE CONFIRMATION  
TRANSMISSION

MAR-22-'96 FRI 15:07

TERM ID: ZACH  
TEL NO: 410-387-5703

P-0000

NO.	DATE	ST. TIME	TOTAL TIME	ABSP	SED	IF	DEPT CODE	#PGS
523	03-22	15:06	00:00:45			001300	3003	01-116-0

*Tom Church*

MESSAGE CONFIRMATION  
TRANSMISSION

MAR-22-'96 FRI 15:05

TERM ID: ZACH  
TEL NO: 410-387-5703

P-0000

NO.	DATE	ST. TIME	TOTAL TIME	ABSP	SED	IF	DEPT CODE	#PGS
523	03-22	15:04	00:00:44			410 387 0713		01-116-0

*Ben Broastin*



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 28, 1996

Benjamin Bronstein, Esquire  
Evans, George and Bronstein  
29 W. Susquehanna Ave., Suite 205  
Towson, MD 21204

RE: Item No.: 291  
Case No.: 96-290-SPH  
Petitioner: N. Patz, et ux

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 31, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

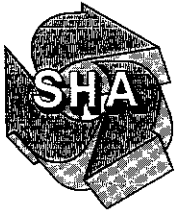
A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

MICROFILMED





**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

February 15, 1996

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Baltimore County  
MD 133 (south side)  
Trees Property  
opposite Eden Roe Way  
Special Hearing request  
Item #291 (JCM)  
Mile Post 1.71

Dear Ms. Watson:

In our previous review of the development plan for the subject item, and in our letter to Mr. Donald Rascoe, Development Manager for Baltimore County, dated June 27, 1995, we indicated that the proposed dedication and entrance improvements indicated on the plan are generally acceptable to the State Highway Administration (SHA).

Since the proposed residential entrances will serve less than five (5) lots, the developer must contact Mr. Randy Brown, Resident Maintenance Engineer at 410-363-1315 in order to obtain the required permit necessary to construct the proposed entrances onto MD 133.

Therefore, we have no objection to approval of the plan as submitted.

Since our review of the current plans reveals no revisions to the proposed access onto MD 133, our previous comments remain valid and we have no objection to approval of the special hearing request.

Should you have any questions, please contact Bob Small at 410-545-5581.

Very truly yours,

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

103-2000-100

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director February 21, 1996  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #291 - Patz Property  
Old Court Road & Branchwood Court  
Zoning Advisory Committee Meeting of February 12, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

JLP:VK:sp

PATZ/DEPRM/TXTSBP

RECEIVED

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director           DATE:   Feb. 20, 1996  
      Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
      Development Plans Review Division

RE:    Zoning Advisory Committee Meeting  
      for February 20, 1996  
      Item No. 291

The Development Plans Review Division has reviewed the subject zoning item. A final landscape plan must be approved by this office prior to release of permits.

RWB:sw

113

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: February 13, 1996

FROM: Arnold F. "Pat" Keller, III, Director, PO

SUBJECT: Patz Property

INFORMATION:

Item Number:

291

Petitioner:

Patz Property

Property Size:

Zoning:

DR-1

Requested Action:

Special Hearing

Hearing Date:

/ /

SUMMARY OF RECOMMENDATIONS:

The attached comments reflect the position of this office.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

REVISED DEVELOPMENT PLAN COMMENTS

TO: Arnold Jablon, Director - Office of Permits & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and  
Community Conservation

DATE: July 11, 1995

PROJECT NAME: Trees Property

PROJECT NUMBER: III-369

PROJECT PLANNER: Ervin McDaniel

RECOMMENDATIONS

Staff has reviewed the submitted materials and recommends **APPROVAL** subject to the listings below.

Scenic Route

The Office of Planning has reviewed the required scenic route material (photographs, landscape plan and cross-sections) and find that this project does not have a negative impact on the scenic quality of Old Court Road.

Road Connection

Staff has reviewed documentation (cross-section, revised development plan showing the public road, and the Arundel Greenspring Quarry Reclamation Development Plan) and will not require this project to have a road connection to the Arundel Greenspring Quarry site.

The cross-sections and revised development plan revealed that a public road would have a negative impact on Old Court Road, the existing house on site and the development potential of the site. The Reclamation Development Plan for the Arundel Greenspring Quarry does not show any connections to the properties fronting Old Court Road.

Landscaping

The final Landscape Plan should show a landscape buffer at the rear of lot 6 and the existing house at 2917 Old Court Road.

Division Chief:

*Ervin McDaniel*

EMD:rdn

RECORDED

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Zoning

DATE: July 5, 1995

PROJECT NAME: Trees Property

PROJECT NUMBER: III-369

PROJECT PLANNER: Ervin McDaniel

GENERAL INFORMATION:

Applicant Name: Harry Belman & Irv Polashuk  
3416 Keyser Rd Baltimore MD 21208

Location: South side corner Old Court Rd & Branchwood

Councilmanic District: 2nd

Growth Management Area: Community Conservation Area

Zoning: DR 1

Acres: 7.7986± acres

**Surrounding Land Use and Zoning:**

North:	DR 1	Single-family Homes
South:	DR 3.5	Greenspring Quarry
East:	DR 1	Single-family Homes
West:	DR 1	Single-family Homes

**Project Proposal:**

The Applicant is proposing 7 single-family dwelling units on 7.7986± of land zoned DR 1. A request will be made to allow a panhandle longer than the maximum length permitted to the existing dwelling on Lot 7. The tract is predominately wooded with some lawn. There is a stream, wetlands and floodplain located on the western portion of the property.

PROJECT NAME: Trees Property

PROJECT NUMBER: III-369

**Project History:**

This site was the subject of a minor subdivision (Patz Property) which was approved on June 3, 1991. It created 3 parcels (Parcel 567, 569, and 570). Parcels 569, and 570 are proposed for development. There is a dwelling located on Parcel 567 and one located on Parcel 570. These dwellings will remain. A variance was granted from quantity stormwater management on March 5, 1992.

**Other Anticipated Actions and Additional Review Items:**

<input type="checkbox"/> Special Exception	<input type="checkbox"/> Referral to Planning Board	<input type="checkbox"/> PUD
<input checked="" type="checkbox"/> Variance *	<input type="checkbox"/> Compatibility	<input type="checkbox"/> Other
<input type="checkbox"/> Waiver	<input checked="" type="checkbox"/> Scenic Route	
<input type="checkbox"/> RTA Modification	<input type="checkbox"/> Design Review Panel	

\* A variance for stormwater management quality control was granted on March 5, 1992.

**PARTIES TO BE NOTIFIED BY APPLICANT:**

**ALL ADJACENT PROPERTY OWNERS**

Greenspring East  
William Flax  
27 Willwood Court  
Baltimore MD 21209

Helmsley Court HOA  
Steve Frenkil  
4 Hurlingham Courtt  
Baltimore MD 21208

Old Court Greenspring Imprvmt Assn  
Harry Goldberg, President  
3131 Old Court Road  
Baltimore MD 21208

**MEETINGS:**

Concept Plan Conference	<u>02 / 21/ 95</u>	Community Input Meeting	<u>03 / 29/95</u>
Development Plan Conference	<u>07 /05 /95</u>	Hearing Officer's Hearing	<u>07 /26 /95</u>
Planning Board	<u>    /    /    </u>		

**RECOMMENDATION(S)**

The Office of Planning and Zoning has reviewed the Development Plan for conformance with the Concept Plan comments of February 17, 1995 and will not make recommendations to the Hearing Officer until the following information that was requested at the Concept Plan Conference is submitted to the Planning Office.

*File*

BB/mtg/03.11.96

RE: THE TREES PROPERTY \* BEFORE THE  
\* ZONING COMMISSIONER  
CASE NO.: 96-290-SPH (Item 20) \* OF BALTIMORE COUNTY

\* \* \* \* \*

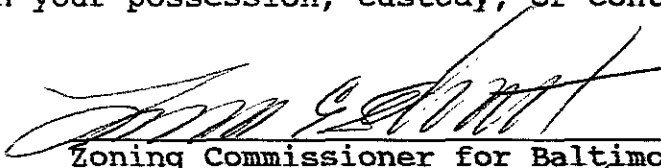
SUBPOENA DUCES TECUM

TO: Joseph Merrey, Planner  
Office of Permits and Development  
Management for Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

At the request of Benjamin Bronstein, Esquire, attorney for the Developer, you are commanded to appear and testify at the following date, time and place:

Date: Tuesday, March 12, 1996  
Time: 9:00 a.m.  
Place: Zoning Commissioner Hearing Room, Courthouse, 400  
Washington Avenue, Towson, Maryland 21204

YOU FURTHER ARE COMMANDED to bring with you to the hearing the Department of Permits and Development Management file for the Trees Property as are within your possession, custody, or control.

  
\_\_\_\_\_  
Zoning Commissioner for Baltimore County

Date of Issuance: 3/11/96

ENCLOSURE



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

March 29, 1999

Jay L. Lenrow, Esquire  
Lenrow, Kohn, Howard & Oliver  
Seven St. Paul Street, 9<sup>th</sup> Floor  
Baltimore, Maryland 21202-1626

RE: DEVELOPMENT PLAN HEARING & PETITION FOR SPECIAL HEARING  
(The Trees Property)  
Harry Belman and Irv Polashuk – Owners/Developers  
Case No. III-369 and 96-290-SPH

Dear Mr. Lenrow:

In response to your letter dated March 16, 1999 concerning the above-captioned matter, the following comments are offered.

I have reviewed the contents of your letter and the terms and conditions of the Order issued by me on August 24, 1995. After careful consideration of your request, I find that the proposed modification is significant and that it would not be appropriate for me to amend my decision without a new hearing on the matter. Therefore, it is suggested that you contact Mr. Arnold Jablon, Director of the Department of Permits and Development Management (DPDM) at 887-3353, for a determination as to how you should proceed.

Should you have any further questions on the subject, please do not hesitate to call.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Case File



- Ben Bronstein

- Stephen Nolan - Old Cant Greening Assoc Inc

Brunel Corporation

- What Amendments are being requested today

- Plan on Board

Stephen Nolan

- "2 pronged hearing" SPH

ISSUE

MICROFILMED

LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205  
29 WEST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(410) 296-0200  
FAX: (410) 296-3719

L. ROBERT EVANS  
HARRIS JAMES GEORGE  
BENJAMIN BRONSTEIN  
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL  
OF COUNSEL

January 30, 1996

**HAND DELIVERED**

Arnold Jablon, Director  
Department of Permits  
and Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: **The Trees Property**

Dear Mr. Jablon:

I am enclosing the following:

1. Petition for Special Hearing in triplicate.
2. Zoning description under seal in triplicate.
3. Copy of 200 scale zoning map.
4. Twelve (12) copies of the Second Amended Development Plan/Development Plan - Trees Property.
5. My check to cover cost and property posting.

The development plan for this property was filed in PDM III-369. In that case the Board of Appeals approved the development plan but remanded the case to the Zoning Commissioner for purposes of amending the final development plan. I am therefore requesting that this filing, together with the remanded case be promptly set in for a consolidated expedited hearing before the Zoning Commissioner/Hearing Officer.

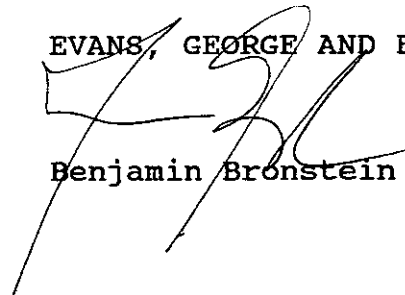
11/31/96 Spoke w/ Gwen re: this. She advised to  
place in Special Hrg. file.  
291 JCM

Arnold Jablon, Director  
Department of Permits  
and Development Management  
January 30, 1996  
Page 2

Thank you for your kind attention to this matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN



Benjamin Bronstein

BB/mlg  
Enclosures

cc: Thomas A. Church, President  
Development Engineering Consultants, Inc.

Mr. Joseph Merrey  
Office of Permits and Development  
Management for Baltimore County

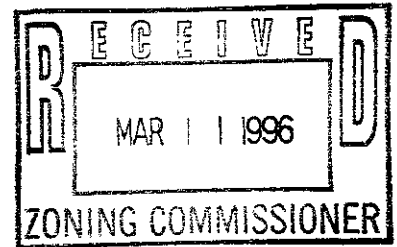
Mr. Harry Belman  
Mr. Irv Polashuk

291



LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205  
29 WEST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(410) 296-0200  
FAX: (410) 296-3719



L. ROBERT EVANS  
HARRIS JAMES GEORGE  
BENJAMIN BRONSTEIN  
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL  
OF COUNSEL

March 8, 1996

**VIA FAX 887-3468**  
**AND FIRST CLASS MAIL**

The Honorable Lawrence Schmidt  
Zoning Commissioner for  
Baltimore County  
Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

**VIA FAX 887-5708**  
**AND FIRST CLASS MAIL**

Arnold Jablon, Director  
Department of Permits and  
Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

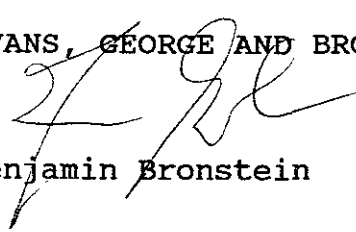
RE: **Trees Property**  
**Case No.: 96-290-SPH (Item 20)**

Dear Commissioner Schmidt and Mr. Jablon:

This letter is to inform you that I categorically oppose the request for continuance made by Stephen J. Nolan in the above-captioned matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

  
Benjamin Bronstein

BB/mlg

cc: Stephen J. Nolan, Esquire (via fax 296-2765)  
Nancy E. Paige, Esquire (via fax 576-4167)  
Peter Max Zimmerman, Esquire (via fax c/o 887-3182)  
People's Counsel

*Jim*

LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205  
29 WEST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(410) 296-0200  
FAX: (410) 296-3719

I. ROBERT EVANS  
HARRIS JAMES GEORGE  
BENJAMIN BRONSTEIN  
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL  
OF COUNSEL

March 8, 1996

VIA FAX 887-3468  
AND FIRST CLASS MAIL

The Honorable Lawrence Schmidt  
Zoning Commissioner for  
Baltimore County  
Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

VIA FAX 887-5708  
AND FIRST CLASS MAIL

Arnold Jablon, Director  
Department of Permits and  
Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Trees Property  
Case No. 1 96-290-SPH (Item 20)

Dear Commissioner Schmidt and Mr. Jablon:

This letter is to inform you that I categorically oppose the request for continuance made by Stephen J. Nolan in the above-captioned matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

*[Signature]*  
Benjamin Bronstein

BB/mlg

cc: Stephen J. Nolan, Esquire (via fax 296-2765)  
Nancy E. Paige, Esquire (via fax 576-4167)  
Peter Max Zimmerman, Esquire (via fax c/o 887-3182)  
People's Counsel

MICROFILMED

LAW OFFICES

## EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205

29 WEST SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(410) 296-0200

FAX: (410) 296-3719

L. ROBERT EVANS  
HARRIS JAMES GEORGE  
BENJAMIN BRONSTEIN  
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL  
OF COUNSEL

MULTIPLE FAX TRANSMITTAL

TO: The Hon. Lawrence Schmidt Zoning Commissioner	FAX NO.: 887-3468
TO: Arnold Jablon, Director Dept. of Permits & Development Management	FAX NO.: 887-5708
TO: Stephen J. Nolan, Esq.	FAX NO.: 296-2765
TO: Nancy E. Paige, Esq.	FAX NO.: 576-4167
TO: Peter Max Zimmerman People's Counsel	FAX NO.: c/o 887-3182

FROM: Benjamin Bronstein	PHONE NO.: 410-296-0200
DATE: March 8, 1996	Pages (including cover): 2
Reference: Trees Properly	
Message:	

ORIGINAL WILL NOT FOLLOW \_\_\_\_\_

ORIGINAL WILL FOLLOW BY \_\_\_\_\_

☒ REGULAR MAIL  
☐ COURIER  
☐ OTHER \_\_\_\_\_

## PRIVILEGED AND CONFIDENTIAL

THE INFORMATION SUPPLIED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND MAY BE LEGALLY PRIVILEGED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS REFERENCED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

IF YOU WISH TO SPEAK TO  
THE FAX OPERATOR, PLEASE  
CALL 410-296-0200

DATE SENT: March 8, 1996  
TIME SENT: 3:40 p.m.  
OPERATOR: Michelle

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM R. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES\*\*  
STUART A. SCHAOT

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

96-1039  
3/8/96  
TO GS  
me me  
JAMES D. NOLAN  
(RETIRED 1980)  
EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)

WRITER'S DIRECT DIAL  
823-7853

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

March 7, 1996

VIA HAND DELIVERY

Arnold Jablon, Director  
Baltimore County Department  
of Permits and Development  
Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Honorable Lawrence Schmidt  
Zoning Commissioner  
Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: Trees Property  
Case No.: 96-290-SPH (Item 20)  
REQUEST FOR CONTINUANCE

Dear Mr. Jablon and Commissioner Schmidt:

The above-captioned matter is currently set for hearing on Tuesday, March 12, 1996 at 9:00 a.m.

The purpose of this letter is to request a continuance. I have just been informed by my expert witness, Mr. David Thaler, that although he was available for the original hearing date of March 6, 1996, he will be out of the country on Tuesday, March 12.

We learned of the reassignment on March 4; thus this request could not be submitted prior to ten days of the hearing.

Thank you for your consideration of this request.

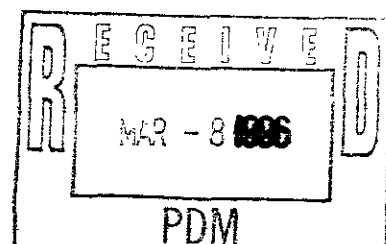
Very truly yours,

*Stephen J. Nolan* /mro

Stephen J. Nolan  
Counsel for Old Court/Greenspring  
Improvement Association

SJN/mao

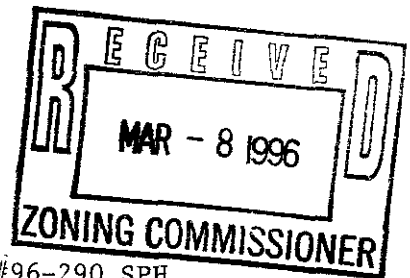
cc: Benjamin Bronstein, Esquire  
Phyllis Friedman, Esquire  
Ms. Elaine O'Mansky  
Dr. Harry Goldberg  
David S. Thaler



Rosalee Davison

March 6, 1996

The Honorable Timothy Kotroco  
Deputy Zoning Commission & Hearing Officer  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, MD 21204



Dear Commissioner Kotroco:

I had planned to attend the hearing today for Case #96-290 SPH (item 291) regarding the "Trees" property. I will be unable to attend the hearing on the 12th because I will be out of town and there was not sufficient notice for me to be able to change my plans.

We consider the extra 2 houses to be a violation of zoning for the property. Branchwood Court conforms to DR 1 and it is unfair to its residents to increase the density, especially at the intersection.

Even more distressing is the proposal of Arundel to build an access road through the property. This would feed major traffic to Old Court Road far too close to Greenspring. Even now, it is difficult to enter Old Court Road from Branchwood during the morning hours. We were assured by Arundel that its development would be accessed through Greenspring Avenue. We urge you not allow this violation.

Very truly yours,

*Rosalee Davison*

Rosalee Davison  
18 Branchwood Court  
Baltimore, MD 21208

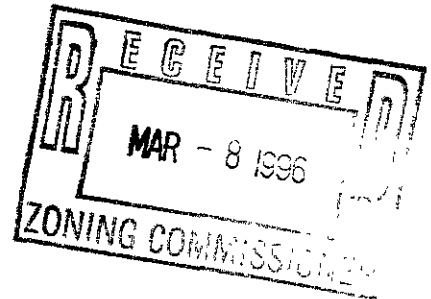
RCD/lkj

cc: The Honorable Lawrence E. Schmidt

Rosalee Davison

March 6, 1996

The Honorable Timothy Kotroco  
Deputy Zoning Commission & Hearing Officer  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, MD 21204



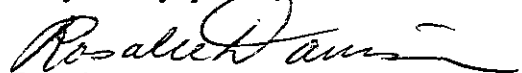
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We consider the extra 2 houses to be a violation of zoning for the property. Branchwood Court conforms to DR 1 and it is unfair to its residents to increase the density, especially at the intersection.

Even more distressing is the proposal of Arundel to build an access road through the property. This would feed major traffic to Old Court Road far too close to Greenspring. Even now, it is difficult to enter Old Court Road from Branchwood during the morning hours. We were assured by Arundel that its development would be accessed through Greenspring Avenue. We urge you not allow this violation.

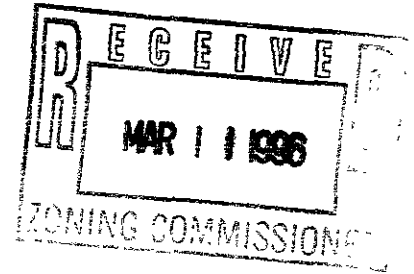
Very truly yours,

  
Rosalee Davison  
18 Branchwood Court  
Baltimore, MD 21208

RCD/lkj

cc: The Honorable Lawrence E. Schmidt

MORTON B. PLANT  
7600 ROLLING MILL ROAD  
BALTIMORE MARYLAND 21224



March 6, 1996

The Honorable Timothy Kotroco  
Deputy Zoning Commission & Hearing Officer  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, MD 21204

Dear Commissioner Kotroco:

I expected to attend the hearing today for case #96-290SPH (item 291) regarding the "Trees" property. Because of insufficient notice I am unable to attend the hearing on the 12th as I will be out of the State at that time.

Mrs. Plant and I consider the extra two houses to be a direct violation of zoning for the property in question. As Branchwood Court conforms to DR1 it is unfair to the people on this street and furthermore completely illogical to increase the density especially at this intersection.

It only adds insult to this idea with the thought of Arundel building an access wall through this property. This would feed a tremendous amount of traffic on to Old Court Road very close to the Greenspring Avenue intersection. The Greenspring-Old Court intersection is already difficult enough to enter at anytime.

Please do not allow this proposal to pass.

Yours very truly,

Morton B. Plant

MBP/hf

cc: The Honorable Lawrence E. Schmidt

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

T.A. Church (Engr)  
Jen Gronow  
Ivan Polashin

4603 York Rd. Bldg 21212  
29 W Susquehanna Ave 21204  
21 GOVERNORS CT 21244



Printed with Soybean Ink  
on Recycled Paper

MICROFILMED



$$\frac{1}{n} \sum_{j=1}^n f(x_j) = \frac{1}{n} \sum_{j=1}^n \left( \frac{f(a)}{x_j - a} + \int_a^{x_j} f'(t) dt \right) = \frac{f(a)}{n} \sum_{j=1}^n \frac{1}{x_j - a} + \frac{1}{n} \sum_{j=1}^n \int_a^{x_j} f'(t) dt$$

NAME \_\_\_\_\_

### ADDRESS

STEPHEN J. NOLAN  
ATTY. FOR OLD COURT  
GREENSPRING IMPROVEMENT  
ASSOCIATION INC.

ADDRESS  
Ste 700, 210 W. Penn. Ave.  
Towson, MD. 21204

ALAN SCOLL,  
D.S. THAYER: ASOC. FOR  
TRANSPARENCY IMPROVEMENT  
ASSN., INC.

7115 AMBASSADOR RD  
BARTO, MD. 21244

- Naming Prize for  
Bundel Corp.

233 E. Redwood St.

Harry Goldberg  
606 COURT GREEN SPRING

3131 Old Court Road  
ASSOC

Prot Ex #1

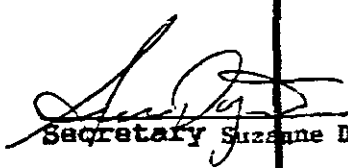
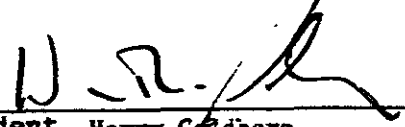
AFFIDAVITSTATE OF MARYLAND  
BALTIMORE COUNTY, SS:

TO WIT:

Elaine O'Mansky is

I hereby swear upon penalty of perjury that I ~~am~~ currently a  
duly elected member of the (Board of Directors) (Zoning Committee)  
of the The Old Court/Greenspring Improvement Association, Inc.  
and she was so authorized and appointed on July 26, 1995, the date of the  
Hearing Officer Hearing, and on October 10, 1995, the Board of Appeals Hearing.

ATTEST:

The Old Court/Greenspring Improvement Association, Inc.  
Secretary Suzanne Dagurt  
President Harry Goldberg  
3131 Old Court Road  
Baltimore, Maryland 21208DATE: October 11, 1995

MICROFILMED

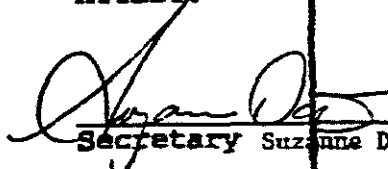
THE OLD COURT/GREENSPRING IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That at the first general membership meeting of <sup>this Association</sup> the year, The Old Court/Greenspring Improvement Association <sup>Inc.</sup> held on September 11, 19 95, it was decided by the Association that responsibility for review and action on all zoning matters for the period September 1, 1995 - August 31, 1996 be placed in the (Board of Directors) ~~(Zoning Committee)~~ consisting of the following members:

Harry Goldberg  
Elaine O'Mansky  
Karen Teplitzky  
Suzanne Dagurt  
Gerald Scheinker  
Douglas Dixon  
Joel Finkelstein  
Simone Brunn  
Rosalee Davison  
Paul Sugar  
Morton Shapiro

AS WITNESS OUR HANDS AND SEAL THIS 11 day of  
October, 19 95.

ATTEST:

The Old Court/Greenspring Improvement Association, Inc.  
Secretary Suzanne Dagurt  
President Harry Goldberg  
3131 Old Court Road  
Baltimore, Maryland 21208

THE OLD COURT/GREENSPRING IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That the position of the The Old Court/Greenspring  
Improvement Association, Inc. as adopted by the (Board  
of Directors) (~~Zoning Committee~~) on the zoning matter known as:  
TREES PROPERTY / PDM III-369, Harry Belman and Irv Polashuk, Developers.  
Appeal of Hearing Officer's Opinion and Development Plan Order dated August  
24, 1995, before the County Board of Appeals of Baltimore County in CBA-95-180,

is that:


The Association (comprised of 275 members) urges the County Board of Appeals to reverse the Hearing Officer's Development Plan Approval because: A) The 1.6808 acre parcel at the corner of Old Court Road and Branchwood Court should not be approved for any more than one (1) building lot because two lots would violate County law in numerous respects, including but not only, in that the amendment of the June, 1991 minor subdivision plan subsequent to the sale of the Schon property (Lot 1) does not comply with BCZR Section 1801.3.A.7.b; and B) The Hearing Officer's approval of the purported waiver of storm water management requirements on the site was and is illegal and clearly erroneous.

AS WITNESS OUR HANDS AND SEAL THIS 11 day of  
October, 19 95.

ATTEST:

The Old Court/Greenspring Improvement Association, Inc.

  
Secretary

  
President Harry Goldberg  
3131 Old Court Road  
Baltimore, Maryland 21208

IN RE:	*	BEFORE THE
PROJECT NO: III-369	*	
DEVELOPMENT PLAN:	*	ZONING COMMISSIONER
Trees Property	*	
LOCATION: Intersection	*	OF BALTIMORE COUNTY
Branchwood and Old	*	
Court Road	*	
DISTRICT: 3C2	*	
PROPOSAL: 7 Single Family	*	
Detached Dwellings	*	

\* \* \* \* \*

**POST HEARING MEMORANDUM OF**  
**THE ARUNDEL CORPORATION, PROTESTANT**

The Arundel Corporation, by its attorneys, offers the following post-hearing memorandum in support of its opposition to approval of the Development Plan for the Trees Property.

**FACTS**

The Development Plan proposes the subdivision for single family residences of two non-contiguous portions of a 10.84 acre parcel which was the subject of a minor subdivision approval in 1991. The 1991 plat showed three parcels denominated respectively Lot 1 (2.9 acres), Parcel A (1.6808 acres), and Tract B (5.6719 acres). The subject Development Plan proposes that Parcel A and Tract B be further subdivided to permit a total of 7 dwelling units, 2 on Parcel A and 5 on Tract B (including one existing single family dwelling on Tract B). Lot 1, an L shaped property, lies between the two development pieces. It has been conveyed out since the minor subdivision, and is improved by one single family dwelling.

11/11/91

Four of the five lots on Tract B (Lots 4, 5, 6 and 7) are "panhandle lots" with access to Old Court Road via a "panhandle driveway." A turn-around is located 500 feet from Old Court Road, but the panhandle portion of Lot 5 is approximately 565 feet long and the panhandle portion of Lot 7 is approximately 600 feet long.

The Arundel Corporation owns property which abuts Tract B on two sides, roughly to the east and south. An approximately 10 acre development area, which would accommodate a maximum of 15 single family lots under existing zoning is shown on the Reclamation Development Plan approved for the Arundel property, in proximity to Tract B. The record reflects that, although the Reclamation Development Plan indicates a proposed major access to this portion of the Arundel property from Greenspring Avenue, this access is not feasible because of extremely steep grades and a streambed. Under existing environmental regulations, the topography surrounding this Arundel development area renders it landlocked unless a road is extended through the Trees property from Old Court Road.

It is the position of The Arundel Corporation a) that the panhandle driveway and panhandle lots shown on the Trees Development Plan are in violation of Baltimore County development regulations, and b) that a public road is required to provide "safe and convenient vehicular circulation, both within the tract and between it and neighboring properties," more particularly the

Arundel 10 acre development area. Baltimore County Code § 26-262.

**ARGUMENT**

Baltimore County Code § 26-266, "Panhandle driveways" provides:

Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither feasible nor desirable.

Code § 26-262 provides in relevant part:

The proposed street system must provide safe and convenient vehicular circulation, both within the tract and between it and neighboring properties or particular traffic generators.... Internal circulation must be predominantly by local streets.... The street system may be required to be extended to the boundaries of the tract and connected to adjacent street.

(Emphasis added.)

It is submitted that the proposed development violates both § 26-266 and § 26-262.

**I. THE PANHANDLE LOTS VIOLATE CODE § 26-266.**

**A. The Panhandles Exceed the Permitted Length.**

Pursuant to § 26-266(4), "In any DR zone, the panhandle length shall not exceed five hundred (500) feet."

The terms "panhandle lot" and "panhandle driveway" are separately defined in Code § 26-168. A panhandle driveway is

defined as the "paved roadway which serves abutting panhandle lots." A panhandle lot is defined as

A lot so shaped and situation that its only frontage or access to the local collector street is a narrow strip of land which is held in fee [with certain exceptions] and which may contain a panhandle driveway....

It is clear from the distinction between "panhandle driveway" and "panhandle lot" in § 26-168, as well as to the numerous references to panhandle driveways in § 26-266, that the 500 foot limitation prescribed by § 26-266(4) relates to the panhandle portion of the lot, and not to the driveway. The provision of a turn-around within 500 feet of Old Court Road, thus does not cure the violation of this restriction by the panhandles on lots 5 and 6 which are each approximately 600 feet long.

**B. The Panhandle Lots Do Not Meet the Regulatory Criteria.**

The panhandle lots do not meet the specific standards of § 26-266. As reflected in the language of that section and made explicit in the Comprehensive Manual of Development Policies, Residential Standards, 7,

Panhandle lots are not considered matters of right but rather a project design solution that may be approved under the proper circumstances.

This type of approval is necessary because panhandle lots can create a variety of design and aesthetic problems which, if not properly addressed, prove incompatible with neighboring dwellings and communities. Consequently,



panhandle lots should be confined to the site conditions which warrant them: where they enhance project design and the topography of the site, minimize site disturbance or retain existing grades and roads to the extent feasible.

(Emphasis in original.)

No evidence whatever was provided from which the hearing examiner could determine that the panhandle lots proposed for this development enhance the project design or otherwise meet these standards, which are derived from Code § 26-266. To the contrary, David Thaler, an engineer called as an expert witness for protestants, testified at length that the project was cramped and poorly designed and that it violated numerous development regulations. Ed Haile, an engineer who appeared as an expert witness for Arundel, testified without contradiction that the subject tract is not irregular in any sense which requires the use of a panhandle driveway or precludes the use of a public street. He further testified that a public street was both feasible and desirable because it afforded numerous amenities and advantages to the subdivided lots, in addition to providing safe and convenient access to the adjoining Arundel property, as required by Code § 26-262. These amenities include public snow removal, public waterlines (which, under County policies, can only be placed in public streets and which would serve both this development and the Arundel property), and individual mail delivery and trash pickup, without the necessity of either

multiple mailboxes or a trash pad on Old Court Road, a designated scenic route.

Mr. Haile testified that his office had examined the property and determined that from an engineering standpoint a public road is feasible. His testimony was not only undisputed by any witness, but is consistent with the specific comments of relevant county agencies. For example, the report of the Development Plan Conference from the Office of Planning and Zoning, dated July 5, 1995, states in the concluding paragraph:

In a letter dated April 3, 1995, Mr. Haile of Daft, McCune & Walker requested that the street system within this development be extended to the Arundel property. Without the extension the Arundel property may be landlocked. The panhandle drive should be extended to the property line as a public road.

(Emphasis added.)

Previously, on February 17, 1995, the planning department had stated:

The applicants should redraw lot lines to accommodate a 500 foot maximum length panhandle drive or provide a public road. A public road would allow mail delivery and garbage pickup internally to the site and eliminate multiple mailboxes and trash pads on the scenic route [Old Court Road]. The Office of Planning and Zoning would support a waiver to minimize the width of public road.

(Emphasis added.)

Nonetheless, on July 11, 1995, the planning department revised its comments and stated that "it will not require this project to have a road connection to the Arundel Greenspring

Quarry site." There is no mention whatever of the standards set forth in § 26-266. In particular, that section provides, "Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare." (Emphasis added.)

The testimony is uncontradicted that the panhandle lots on this property would be detrimental to the Arundel property, by foreclosing access to a 10 acre development parcel. Moreover, as the planning department itself recognized, the panhandle driveway will result in installation of multiple mailboxes and a trash pad for 5 lots on Old Court Road, which is a scenic route, which the planning department had already indicated would be undesirable.

Furthermore, there was no specific evidence that a public road is either not feasible or otherwise undesirable. There is mention in the revised July 11, 1995 planning department comment that, "The cross sections and revised development plan revealed that a public road would have a negative impact on Old Court Road, the existing house on site and the development potential of the site." No specifics of that so called "negative impact" are in the record either in writing or by testimony of any witness. The witness for the Department of Public Works indicated that that department would require a public road if it "had no impact on the Trees development." Such a standard is in direct conflict with the development regulations and finds no

support in any county policy or regulation. As Mr. Haile testified, without contradiction, the requirement for public roads frequently impinges upon the number of lots which can be developed or otherwise limits development on a parcel of land, but public roads are required nonetheless in furtherance of the public interest.

No specific information was provided to the hearing examiner which would conflict with Mr. Haile's testimony that the use of panhandles on the subject property does not avoid development in environmentally sensitive areas and does not achieve better use of the parcel, which he described as not "irregularly shaped" in any relevant sense. Moreover, no testimony or other evidence was adduced which would indicate to what extent a waiver to minimize the width of a public road, which was proposed in the February 17, 1995 planning department comments, would affect the feasibility of a public road through this development.

In this regard, it should be noted that under the requirements of Code § 26-266.1, panhandles providing access where 3 or more lots are involved are required to be a minimum of 10 feet in width per lot, and where public water and sewer services are available, minimum width for panhandle strips for 2 or more lots is 12 feet per lot. Thus, the minimum width of the strip required for a panhandle driveway on this property, which serves five lots, is 50 feet which is the standard width for a

public street right-of-way and would be less if a waiver were granted. See Comprehensive Manual of Development Policies, § 9.4.3 (Local Street Right-of-Way width, 40 to 60 feet).

It is submitted that the evidence presented does not justify approval of these panhandle lots:

- (a) because they violate the 500 foot maximum length;
- (b) because they deprive neighboring properties of vehicular access and public waterlines; and
- (c) because no evidence was adduced which indicates that they achieve better use of the lot, avoid development in environmentally sensitive areas or that a public road is either not feasible or not desirable.

**II. THE PROPOSED ROAD SYSTEM DOES NOT COMPLY WITH CODE § 26-262.**

Code Section 26-262 expressly requires that the proposed street system provide "safe and convenient vehicular circulation . . . between [the tract] and neighboring properties...." It is indisputable that the Trees panhandle driveway does not.

The requirement for circulation between developments is reiterated in the Development Procedures and Policy Manual, Division II, Section 9.1 ("The proposed street system must provide safe and convenient vehicular circulation, both within the tract and between it and neighboring properties or particular traffic generators.") and 9.5.1 E ("Where additional means of

access for circulation within or between developments is deemed necessary, the developer shall provide such access and bear the costs of improvements.")

The Department of Public Works, in its comments dated July 13, 1995, while taking no exception to the use of a panhandle driveway, stated,

This department is of the opinion that a public road would be desirable for safe and convenient circulation of traffic in the event the developers of the Trees and the Arundel property can come to a satisfactory agreement between themselves for this purpose....

Nothing in the county code requires an agreement between adjoining property owners as a condition for the requirement of a public road. To the contrary, the code specifically requires the developer to provide such a road connection. A representative of the State Highway Administration stated that there was no objection to public road access from Old Court Road (a state road), and no objection was raised in the written comments of that department.

The Development Plan should not be approved because it violates the mandate of Code § 26-262.

CONCLUSION

For the foregoing reasons the Development Plan should be disapproved.

Respectfully submitted,

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Nancy E. Paige

Gordon, Feinblatt, Rothman,  
Hoffberger & Hollander, LLC  
233 East Redwood Street  
Baltimore, Maryland 21202  
410/576-4294

Attorneys for The Arundel  
Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_, 1995, a copy of the foregoing Post Hearing Memorandum of The Arundel Corporation was mailed, first-class, postage prepaid, to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204-5340, Attorney for Protestants, and Harry Belman and Irv Polashuk, 3416 Keyser Road, Baltimore, Maryland 21208, Developers/Contract Purchasers.

5  
Nancy E. Paige

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6:08/08/95

Honorable Timothy Kotroco  
Zoning Commissioner's Office  
Old Court House  
Towson, MD 21204

March 26, 1996

Dear Mr. Kotroco,

We are writing this letter at the request of Mr. Benjamin Bronstein, the attorney for the developers of the Trees Property. Lew and I live at 2917 Old Court Road, and we are in support of the proposed development plan. However, we are vehemently opposed to the public road being proposed by the Arundel Corporation in order to access their property.

Sincerely,

*Erika Schon*  
Erika Schon

Dev / Pet Ex # 4



IN RE: DEVELOPMENT PLAN HEARING  
(The Trees Property)  
S/S Old Court Road, E of  
Branchwood Court  
3rd Election District  
2nd Councilmanic District

Harry Belman and Irv Polashuk  
Owners/Developers

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. III-369  
\*

\* \* \* \* \*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by Thomas A. Church, President of Development Engineering Consultants, Inc., for the proposed development of the subject property by Harry Belman and Irv Polashuk, Owners/Developers with seven (7) single family building lots, one of which is already improved, in accordance with the latest revised development plan submitted into evidence as Developer's Exhibit 2.

The subject property, zoned D.R. 1, is located at the northeast corner of Old Court Road and Branchwood Court in the vicinity of Green-spring Avenue and I-695 in Pikesville. The property consists of two parcels from a former subdivision, known as Parcel A and Lot 2 of the Patz Property which was subdivided in 1991. Parcel A consists of 1.6808 acres, more or less, and is proposed to be developed as Lots 1 and 2, and Lot 2 consists of 5.6719 acres, and is proposed to be developed as Lots 3 thru 7, Lot 7 of which is already improved with a dwelling.

Appearing at the public hearing required for this project were Harry Belman, Owner/Developer, Thomas A. Church, President, and Tim Brown, both representatives of Development Engineering Consultants, Inc., who prepared the site plan for this project. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing. In

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By [Signature]

addition, numerous residents from the surrounding community appeared in opposition to the plan, including Phyllis Friedman, Rosalie Davidson, and Elaine Omansky, as did Stephen J. Nolan, Esquire, who appeared on behalf of the Old Court Greenspring Improvement Association, Inc., David S. Thaler, Professional Engineer and expert witness with D. S. Thaler and Associates, Inc., and Edward Haile, Professional Engineer with Daft-McCune-Walker, Inc. and Nancy Paige, Esquire, both of whom appeared on behalf of the Arundel Corporation, adjoining property owner.

As to the history of this project, the concept plan conference for this development was conducted on February 21, 1995. As required, a community input meeting was held on March 29, 1995 at the Pikesville Branch Library. Subsequently, a development plan was submitted and a conference held thereon on July 5, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments and bearing a revision date of July 7, 1995 was submitted at the hearing held before me on July 26, 1995.

At the preliminary stage of the public hearing before me, I am required to determine what, if any, agency comments or concerns remain unresolved. On behalf of the Developer, Mr. Thomas Church stated that there were no unresolved issues which needed to be addressed. Further, no representative of any Baltimore County reviewing agency raised any issues concerning this plan and the testimony received was that all issues raised within the comments submitted by those reviewing agencies had been resolved and incorporated within the revised development plan.

As to the citizens who were in attendance and the various community groups who were represented by Counsel, a number of issues were raised

by Mr. Nolan and Ms. Paige on behalf of their clients and the citizens who attended the hearing. Mr. Nolan presented this Hearing Officer with a Preliminary Statement of Unresolved Issues containing a list of relevant matters, all of which will be dealt with in this Opinion. Furthermore, all other issues raised at the hearing will be resolved pursuant to this Order.

Prior to discussing and reviewing the issues raised by the Protestants, two preliminary issues were raised by Mr. Nolan on behalf of his client, the Old Court Greenspring Community Association. Mr. Nolan argued that there was a flaw in the development process in that the red-lined plan which was submitted into evidence as Developer's Exhibit 2, was not mailed to all interested parties prior to the Hearing Officer's hearing. Mr. Nolan argued that the Developer failed to comply with the policy established by the Permits and Development Management (PDM) office, which requires Developers and/or Engineers to circulate red-lined plans to each and every "Contact Person" in a development plan hearing. After further discussing this issue with Mr. Nolan, it was determined that the hearing before me should proceed and that the policy established by PDM would be too onerous and burdensome on the Engineer/Developer to accomplish. The red-lined plans prepared by Engineers are very time-consuming to produce in that each is an original in and of itself and to require them to be mailed to all "contact people" would be at great expense. The issue over mailing these red-lined plans has come up in prior hearings before this Hearing Officer. All Engineers and Developers who are faced with this requirement argue the difficulty and the tremendous expense involved in complying with this policy. I do not believe the policy is warranted and should be modified to accommodate the Developers. PDM should relax this requirement and only require that red-lined plans be made available

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BY [Signature]

for inspection by members of the public at the Permits and Development Management (PDM) office. Requiring that each and every "contact person" be mailed a copy is just too cumbersome and expensive for the Developers. Therefore, I do not believe that the hearing before me should be affected by the Developer's non-compliance with this policy.

Mr. Nolan raised a second preliminary issue regarding a note that was contained on the development plan submitted for approval. At issue was the language which was placed in the lower right-hand corner of the plan, just under the seal of Mr. Thomas A. Church the professional engineer in this case. The language reads as follows: "This plan is sealed and certified to be in accordance with the Hearing Officers' Order and all agency comments." Mr. Nolan took exception to this language in that the Hearing Officer's hearing had not yet taken place, nor had an Order been issued when this note was added to the plan. Thus, it is extremely premature to have this language contained on the development plan.

I agree with Mr. Nolan. Mr. Church indicated that the representative of PDM who reviewed the plan mandated that this language be included on the plan. He stated that he simply was following the instructions of the individuals who reviewed the plan for acceptance for filing. Inasmuch as I believe the language is not proper to be included on the plan, I simply had Mr. Church cross off that language and initial and date the fact that same was deleted from the development plan before me.

Neither issue raised by Mr. Nolan was sufficient to dismiss or delay this development plan hearing. Therefore, the matter proceeded on the issues raised by the Protestants.

Mr. David Thaler, a witness called by Mr. Nolan, testified regarding the issues raised by the Old Court Greenspring Improvement Association,

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By [Signature]

Inc. The first issue discussed in Mr. Thaler's testimony concerned the computation of density for this subdivision. Mr. Thaler testified that, in his opinion, PDM miscalculated the amount of density associated with the Trees property. Specifically, Mr. Thaler stated that Parcel A, which consists of 1.6808 acres, should not be permitted to yield the two lots which are proposed. Mr. Thaler stated that, in his opinion, there is not enough acreage to support two separate lots in accordance with the zoning regulations. Furthermore, he testified that while Lot 2 from the former Patz subdivision, is of sufficient size (5.6719 acres) to sustain five separate lots, two of the lots, specifically, Lots 3 and 4, are less than 1.00 acre in size, and thus, are not large enough to exist, given the D.R. 1 zoning of this property.

The issue of the calculation of density was the most hotly contested issue in this case. Many of the citizens who attended the hearing echoed the sentiments voiced by Mr. Thaler and argued that there was not enough acreage to support two building lots in that Lots 1 and 2 (from Parcel A), and Lots 3 and 4 (from Lot 2), do not contain a minimum of 1.00 acre of land each. Mr. Thaler, Ms. Phyllis Friedman, and others who testified, believe that PDM erroneously allowed the allocation of density in the fashion depicted on Developer's Exhibit 2, the site plan of the property.

Mr. Joseph Merrey, a representative of PDM, testified to the long-standing interpretation by his office regarding the computation of density on any subdivision which comes through the development process. Mr. Merrey was articulate and responded well to the questions posed to him. Mr. Merrey testified that since the entire Patz property was a tract of land in 1970 when Bill No. 100-70 was adopted and the subject tract was of sufficient size to generate ten (10) density units (i.e., six or more

density units, Section 1B02.3.A.1.b; B.C.Z.R.), it was incumbent upon his office to review the Trees Development Plan in light of the large lot subdivision regulations found in the Baltimore County Zoning Regulations (B.C.Z.R.) on Page 1B-16A and denoted as Section 1B01.2.C.1.b thereof. The large lot subdivision chart shown thereon only mandates the setbacks for the houses to be constructed on a particular lot and does not establish a minimum lot size for any lot proposed to be developed in the D.R. 1 zone. Therefore, it was not necessary, in Mr. Merrey's opinion, for the Developer to have lot sizes of 40,000 sq.ft. or more in accordance with the small lot subdivision table.

Further explaining his analysis of the Trees development plan, Mr. Merrey testified that the small lot subdivision regulations found on Page 1B-25, specifically, Section 1B02.3.C.1 did not apply to this development because the tract which was proposed for development was large enough to accommodate ten (10) dwelling units. Therefore, the small lot subdivision table which is found on Page 1B-25, which requires a minimum net lot area per dwelling unit of 40,000 sq.ft., does not apply. That small lot table only applies to subdivisions that are too small in area to accommodate six (6) dwelling (or density) units. That is not the case with this particular development. Additionally, a review of the minor subdivision plan clearly shows that the Developer at that time allocated density to the lots which are the subject of the development plan for consideration before me. On the Patz property subdivision plan, Parcel A was shown to have two density units (or two dwelling units) associated therewith, consisting of 1.6808 acres, and Lot 2 which consists of 5.6719 acres, was shown to have five density units associated with it. Given the fact that the overall tract of the Patz Property had 10 dwelling units associated

therewith, three (3) apparently were reserved for the Schon property which was denoted as Lot 1 on the Patz subdivision plan. It must be noted that the minor subdivision plan, while for procedural purposes was limited to a subdivision of three or fewer lots to qualify as a "Limited Exemption" under Section 26-171(6) of the Development Regulations, is nonetheless a "development plan" for purposes of the zoning regulations. The word "minor", identifies a particular phase of the development process -- it does not negate nor restrict the force and effect of Sections 1B01, 1B02 or their subsections, or preclude a plan from being reviewed by the Permits and Development Management (PDM) office as a "development plan". It should also be noted that the same minor subdivision plan that created the lot which the Schon's ultimately purchased also allocated the two density units to Parcel A, which is consistent with Sections 1B01 and 1B02 of the B.C.Z.R.

After reviewing the testimony and evidence offered by all Protestants and Mr. Merrey on behalf of PDM as well as the written memoranda and exhibits that were submitted by all parties, I find that the manner in which the density has been established for the Trees development does comply with the B.C.Z.R. The long-standing practice and interpretation by the PDM office regarding the computation of density has been used consistently by zoning technicians in their review and approval of development plans throughout the development process. I believe that Mr. Merrey has accurately and correctly applied the zoning regulations to this particular development plan and that the two density units established for Parcel A as well as the five units set out for Lot 2 are in accordance with the large lot subdivision regulations found within the B.C.Z.R. and should therefore be permitted to exist as shown on the plan.

To interpret the regulations in the manner argued by Mr. Thaler and Mr. Nolan might possibly allow a landowner to extract additional density out of a parcel of land over and above that to which he is entitled. It is imperative to review the history of the tract to see what has taken place in the past, in order to accurately and correctly allocate density in the present.

Therefore, the arguments raised by Mr. Nolan, through Mr. Thaler, his witness, as well as through the citizens who objected to the way the density has been laid out on this property, do not warrant that the development plan be denied. This issue has been resolved in favor of the Developer and the manner in which PDM reviews, interprets, and applies the B.C.Z.R. is appropriate.

It should also be stated at this time that this is not a "transfer of density" case, as was argued by the Protestants. No attempt has been made by this Developer to transfer any density. Therefore, the Graziano case and the Holland case (which just recently was reversed by the Circuit Court for Baltimore County) are not applicable to this situation. Density for this property was established pursuant to the Minor Subdivision of the Patz Property which was approved in 1991. That plan must be given credence.

The next issue raised by the Protestants concerned the validity of the stream buffer which is shown on the development plan. Mr. Thaler calls into question the accuracy of the stream buffer as it is shown on the plan. He argued that the stream buffer was not field-certified and that it was based on Baltimore County aerial topographic maps that are some 40 years old. Mr. Thaler testified that in the past 40 years, the stream may have shifted, causing the accuracy of the topography maps used

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by the Developer to come into question. Mr. Thaler stated that the stream should have been field-run surveyed to insure that the 100-foot setback shown on the plan is, in fact, accurate. While Mr. Thaler testified that he is concerned over the accuracy of the stream buffer, he was unable to offer testimony that his firm ran any surveys to determine that the stream as shown on the plan was inaccurate. He did not offer any evidence of inaccuracies, only his suspicions that the aerial topographical maps may no longer be valid. Given the lack of any substantive evidence regarding the inaccuracy of the location of the stream buffer, I believe that the manner in which the stream buffer has been shown on the development plan which is based on the Baltimore County aerial topographical maps is the best manner for the Developer to show the location of the stream at this time. In the event the Department of Environmental Protection and Resource Management (DEPRM), who reviews these plans regarding stream buffers, feels it is necessary to have the stream field-run surveyed, then the Developer shall comply with that request. Therefore, as a condition of approval of this plan, I shall impose a requirement that the Developer produce a field-run survey of this stream buffer in the event DEPRM feels the accuracy of the location of this stream is in question. However, at this stage of the development process, I believe that the stream is properly depicted on the development plan since it is based on Baltimore County aerial topographic maps. Further, I do not believe that this issue is sufficient to warrant a denial of the development plan, but does cause enough concern to generate a restriction at the end of the Order.

The next issue raised by Mr. Thaler concerned the validity of the perc tests associated with the lots in this subdivision. Mr. Thaler testified that the perc tests for Lots 1 and 2 failed 10 years ago when perc

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tests were first performed; however, in March, 1992, the perc tests for Lots 1 and 2 did pass, as well as those tests for all other lots within this subdivision. Mr. Thaler testified that since more than three years have passed since the perc tests were performed, he believes it is not a good idea to proceed as if those perc tests are still valid. He testified that perc tests are only valid for a period of three years, unless permission to extend same is granted by DEPRM. Again, Mr. Thaler has suspicions that the perc tests may not be valid at this time. As was the case involving the location of the stream buffer, Mr. Thaler was unable to offer any substantive testimony or evidence to show that the perc tests performed on this site are invalid at this time. Therefore, given the fact that the perc tests did pass in 1992, I believe it is proper to assume for the purposes of this hearing that the perc tests are still valid.

In response to Mr. Thaler's concerns, Mr. Larry Pilson, a representative of DEPRM, testified that the perc tests for this subdivision are valid for five years. It was his opinion, and the position of his Office, that the standards for perc tests have not changed for the past three years and that there is no need to perform perc tests at this time. The perc tests that passed in 1992 are still valid, and there is no justification to require a re-perc of any of the lots. Given this testimony and the lack of substantive proof that the perc tests are no longer valid, I believe this issue is insufficient to warrant a denial of the development plan. Thus, this particular issue shall be resolved in favor of the Developer.

Mr. Thaler next testified regarding an issue involving the separation between the proposed wells and septic fields for the subject lots. Specifically, Mr. Thaler objects to the septic reserve area proposed for Lot 4. That septic reserve area which, in the opinion of Mr. Thaler, looks

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like a bow-tie, is only 20 feet in width in some areas. Mr. Thaler testified that, pursuant to County regulations, the minimum width for a septic reserve area is 50 feet. Given the fact that this septic reserve area is less than 50 feet wide, Mr. Thaler believes it should not have been approved. Furthermore, Mr. Thaler had concerns that the septic reserve area for Lot 1 was located in a swale; however, the red-lined plan presented to me appears to have relocated the septic reserve area for Lot 1 to an area outside the swale.

Testimony on these particular topics was offered by Mr. Larry Pilson of DEPRM. Mr. Pilson testified that there have been other cases where his office has approved septic reserve areas which have only been 20 feet in width. He stated that his office has an "unwritten policy" that septic reserve areas should be 50 feet in width, but that his office has waived that standard down to 20 feet in some cases. Therefore, he believes the septic reserve area for Lot 4 is appropriate, and did, in fact, approve that particular septic reserve area. Furthermore, with respect to Lot 1, Mr. Pilson testified that the red-lined relocation of the septic reserve area for this lot was not so much to remove the septic reserve area from a swale but to remove it from the Glenville soil that is located on that lot. Mr. Pilson testified that both Lot 4 and Lot 1 comply with the regulations concerning the location of wells and septic reserve areas, and that both lots should be approved.

Taking into consideration the testimony offered on this particular issue, I believe that the testimony offered by the Protestants does not warrant a denial of the development plan, or a denial of these particular lots. Therefore, this issue shall be resolved in favor of the Developer.

The next issue raised by the Protestants dealt with the granting of a waiver by DEPRM for storm water management. The Protestants also objected to the proposed water quality measures for the Trees development. Mr. Thaler testified that he does not believe a variance for storm water management should have been granted for this project. Mr. Thaler testified that a trout stream exists in this area and that the water runoff generated by the proposed development will ultimately wind up in that trout stream. Furthermore, he stated that allowing storm water runoff to flow through vegetated areas as a water quality management practice might work on flat property, but will not work in this case. He testified that given the sloped topography of this development, storm water runoff will flow too quickly and will not absorb into the ground. He reiterated that this method of storm water management only works on flat property and would not be appropriate in this instance.

Mr. Robert Wirth, another representative of DEPRM, appeared and testified concerning DEPRM's approval of the storm water management practice for this development. Mr. Wirth testified that a waiver of storm water management requirements was granted for this site in that off-site storm water management was planned. Furthermore, he testified that the clearing of trees would be minimized on this site and that the forested area that would remain would provide sufficient filtration for storm water. Mr. Wirth testified that this method was reviewed by both his office as well as the Department of Public Works and both agencies agreed that the waiver of storm water management requirements as well as the method proposed for water quality measures was sufficient for this development.

After reviewing all testimony relative to the waiver for storm water management and the water quality measures proposed by this Developer,

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I believe, and shall find, that this Developer has satisfied County regulations relative to this issue. I shall approve the storm water management waiver and the water quality measures proposed, both of which were supported by the Department of Public Works as well as by DEPRM. Both agencies will continue to monitor storm water management throughout the later stages of the development process. This issue, which was raised by the Protestants, does not warrant a denial of the development plan at this time.

The next issue raised by Mr. Thaler involved the panhandle which extends to Lot 7 of this development. Mr. Thaler stated that the panhandle exceeds the 500-foot length restriction imposed by the development regulations. Mr. Thaler stated that the length of the panhandle to the T-turnaround is approximately 500 feet, but that the panhandle actually continues beyond the T-turnaround for an additional 100 feet to Lot 7. He believes the panhandle is technically approximately 600 feet in length which exceeds that permitted by the development regulations.

Mr. David Thomas, a representative of the Department of Public Works (DPW), appeared and testified. Mr. Thomas testified that his office reviewed the plan for compliance with Public Works' standards, one of which deals with panhandles. Mr. Thomas testified that his office believes the Developer satisfies the panhandle requirements in that the T-turnaround constitutes the terminus of the panhandle and that the extension beyond the T-turnaround is simply a driveway. Therefore, Mr. Thomas believes the Developer has satisfied Public Works' standards regarding panhandles.

I disagree with the manner in which DPW reviewed and applied the panhandle requirements, specifically, to Lot 7. While I believe it is possible for driveways to extend off of T-turnarounds, I believe it is important to not only review the extension of the driveway but the shape

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By [Signature]

of the lot as well relative to this extension. The configuration of Lot 7 depicts a narrow strip of land for Lot 7 continuing beyond the T-turnaround area. I believe this, in effect, has extended the panhandle thereby violating the panhandle regulations of Baltimore County. Therefore, I believe it is necessary for the Developer to either seek a waiver from DPW or a variance from the Zoning Commissioner to allow this panhandle to extend beyond 500 feet. Lot 7 should not be permitted to exist in its present configuration without either a variance or a waiver. Therefore, the Developer will either have to reconfigure Lot 7 to correct this deficiency or request a variance or waiver as previously instructed. This shall be a condition of approval of this plan and an appropriate restriction will be placed at the end of this Order.

The next issue raised by the Protestants involves whether public water and sewer or private wells and septic systems will be provided for this development. Near the close of testimony in this matter, Mr. Larry Pilson of DEPRM offered testimony concerning the use of public water for this project. The plan as presented shows private wells for the subject site. Testimony from both Mr. Thaler and Mr. Pilson demonstrated that the property has a "W-3" rating on the Baltimore County Master Water Plan. Given this rating, it is incumbent upon the Developer to provide public water to all of the lots in this subdivision. However, the Developer is proposing wells for all of the lots in question, which contradicts the "W-3" designation and, according to County regulations, should not be permitted.

Mr. Pilson testified regarding this topic. He testified that his office will permit interim wells, so long as a Public Works Agreement has been entered into by the Developer regarding the extension of public water

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to the property. However, I do not believe this is the proper method for providing water to this particular property. Testimony revealed that public water is approximately 1200 feet from the proposed development. I believe the Developer should provide public water to these lots and eliminate the use of any wells, be they interim or permanent. Therefore, as a condition of approval, I will require that public water be extended to each lot in this subdivision prior to the issuance of any building permits. The well locations shown for each lot shall be eliminated and the Developer must show the manner in which public water will be extended to each lot. This will insure that the residents who will purchase homes in this subdivision will have proper and potable drinking water as well as alleviate any concerns over the distance between wells and septic reserve areas.

Mr. Thaler next testified over an issue as to whether the proposed development on Lot 6 will be compatible with the existing house at 2917 Old Court Road owned by Lew and Erica Schon which was part of the Patz property subdivision that occurred in 1991. Mr. Thaler argues that the house which is to be constructed on Lot 6 should be compatible with the Schon house on the adjoining property. Nowhere in the regulations is it mandated that the proposed house for Lot 6 be compatible with the existing house on the adjacent property. Therefore, I do not believe the law requires a finding of compatibility; however, given the close proximity of the proposed house on Lot 6 to the Schon's dwelling, I believe it appropriate for the Developer to submit elevation drawings to the Office of Planning and Zoning (OPZ) for review and approval as to its compatibility with the Schon property. Therefore, an appropriate restriction shall be imposed at the end of this Order as a condition of approval.

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Mr. Thaler next testified concerning the forest conservation requirements imposed upon this development. Mr. Thaler testified that the new red-lined plan does not show the forest conservation for this project and believes that some of the septic reserve areas shown on the plan will infringe upon forested areas located therein. He also believes that trees will be lost as a result of the installation of septic reserve areas on various lots.

In response to the issues raised by Mr. Thaler, Mr. Pilson of DEPRM testified that all necessary requirements of forest conservation have been met by the Developer and that the plan as submitted should be approved. He further stated that while he believes the septic reserve areas might infringe upon the forest conservation area, both objectives concerning forest conservation and septic reserve areas could be achieved. Therefore, given the testimony and evidence concerning this issue, I believe the Developers have satisfied their responsibilities concerning forest conservation at this point of the development process and that the development plan should not be denied based on this issue.

The next issue raised by Mr. Thaler dealt with the location of flood plains on the subject property. Mr. Thaler testified that inasmuch as the stream was not accurately shown on the plan, neither were the flood plains which surround the stream. Again, this issue was reviewed by DEPRM and approved by that office. I believe that the plan is sufficient in this area in that DEPRM fully reviewed the plan and has recommended approval.

Mr. Thaler concluded his testimony as to all of the issues raised in the Preliminary Statement of Unresolved Issues submitted by Mr. Nolan at the beginning of this hearing. However, additional issues were raised by others in attendance at the hearing.

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Residents of the surrounding community, namely, Phyllis Friedman, Rosalie Davidson, Elaine Omansky, Vice President of the Old Court Greenspring Improvement Association, Inc., and Joanne Warres, also testified regarding this development. These residents offered testimony to corroborate the testimony offered by Mr. Thaler and other County representatives. Much of their testimony dealt with the manner in which the Permits and Development Management (PDM) office associated density with the Trees property and those issues have already been resolved. However, one additional issue remains which involved the transformation of the panhandle driveway to Lots 3, 4, 5, 6 and 7 into a public road leading to the property owned by the Arundel Corporation. The citizens who attended the hearing oppose the extension of a public road from Old Court Road through the Trees development into the Arundel Corporation property. They believe that such a public road would be violative of the health, safety and general welfare of the surrounding community.

Presenting the contrary position of the public road issue was Mr. Ed Haile, a registered Professional Engineer with Daft-McCune-Walker, Inc., who testified on behalf of his client, the Arundel Corporation. Nancy Paige, Attorney at Law, who represented the Arundel Corporation, called Mr. Haile as a witness. Mr. Haile testified that in his opinion, a public road is feasible for the subject site and should extend to the Arundel Corporation's property. He testified that there is approximately 10 acres of land owned by the Arundel Corporation that is not accessible by way of Greenspring Avenue. He testified that this property is landlocked in that steep slopes and streams would prevent road access to this 10 acre area from Greenspring Avenue. He therefore believes that a public road should come through the Trees development which would, in effect, provide access

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for additional houses to be located on the Arundel Corporation's property. He testified that the property which would benefit from the public road extension consists of about 10 acres and would be improved with maybe 10 to 15 new homes. Mr. Haile believes that the panhandle driveways should be eliminated and a public road located in their place.

Mr. Dave Thomas, a representative of the Department of Public Works (DPW), testified that it was the opinion of his office that a public road should not be extended to the Arundel Corporation property. He testified that his office reviewed the reclamation plan for the Arundel Corporation property and that Arundel owns approximately 400 acres which are proposed to be developed with over 1,000 homes. He further stated that access to this 400-acre parcel is, in fact, provided via Greenspring Avenue. The Arundel Corporation is simply attempting by way of this development process to gain access to 10 acres of land that appears to be inaccessible, due to steep slopes and stream crossings. It is not truly landlocked in a legal sense but may be landlocked in a development sense, given the steep slopes and streams. The Arundel Corporation seeks to add another 10 to 15 homes, basically at the expense of those residents who will purchase homes in the trees development, as well as those residents who live along Old Court Road who would suffer the amount of additional traffic feeding onto Old Court Road from development on the Arundel site.

Mr. Irv McDaniel, a representative of the Office of Planning and Community Conservation, also testified regarding the use of panhandles v. a public road for this project. Mr. McDaniel testified that his department carefully reviewed the reclamation plan for the Arundel Corporation property and found that access is, in fact, provided via Greenspring Avenue. Given the fact that the Arundel Corporation property does have ade-

quate access to Greenspring Avenue, the Office of Planning and Community Conservation does not believe that a public road is warranted for this project. Therefore, they support the utilization of panhandle driveways.

Having taken into consideration all of the testimony offered concerning the proposed panhandle driveway, I believe that a panhandle driveway should be utilized in lieu of a public road. In the opinion of this Hearing Officer, I believe that a public road is not warranted and I shall approve the plan as submitted. However, as stated previously, the panhandle driveway to Lot 7 needs either a waiver of DPW standards or a variance from the B.C.Z.R., whichever is appropriate.

There were no other issues raised by any of the citizens, Baltimore County representatives, or the Developer concerning the proposed development. Therefore, having resolved all of the issues raised before me at this Hearing Officer's hearing, I find that the development plan submitted into evidence as Developer's Exhibit 2 should be approved, subject to the terms and restrictions set forth below.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 24<sup>th</sup> day of August, 1995 that the development plan for the Trees Property, identified herein as Developer's Exhibit 2, be and is hereby APPROVED, subject to the following restrictions:

- 1) The Developers may apply for their building permits and be granted same upon receipt of this Order;

however, the Developers are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


2) The Developer shall provide field run surveys of the stream buffer that traverses this property in the event DEPRM requires same to be provided.

3) The Developer must obtain either a waiver or a variance from the B.C.Z.R. for the panhandle driveway to Lot 7 to remain in its present configuration. In the event the Developer is unsuccessful in either alternative, the Developer must reconfigure Lot 7 to comply with the panhandle regulations.

4) No building permits shall be issued until such time as public water is extended to each lot in this subdivision.

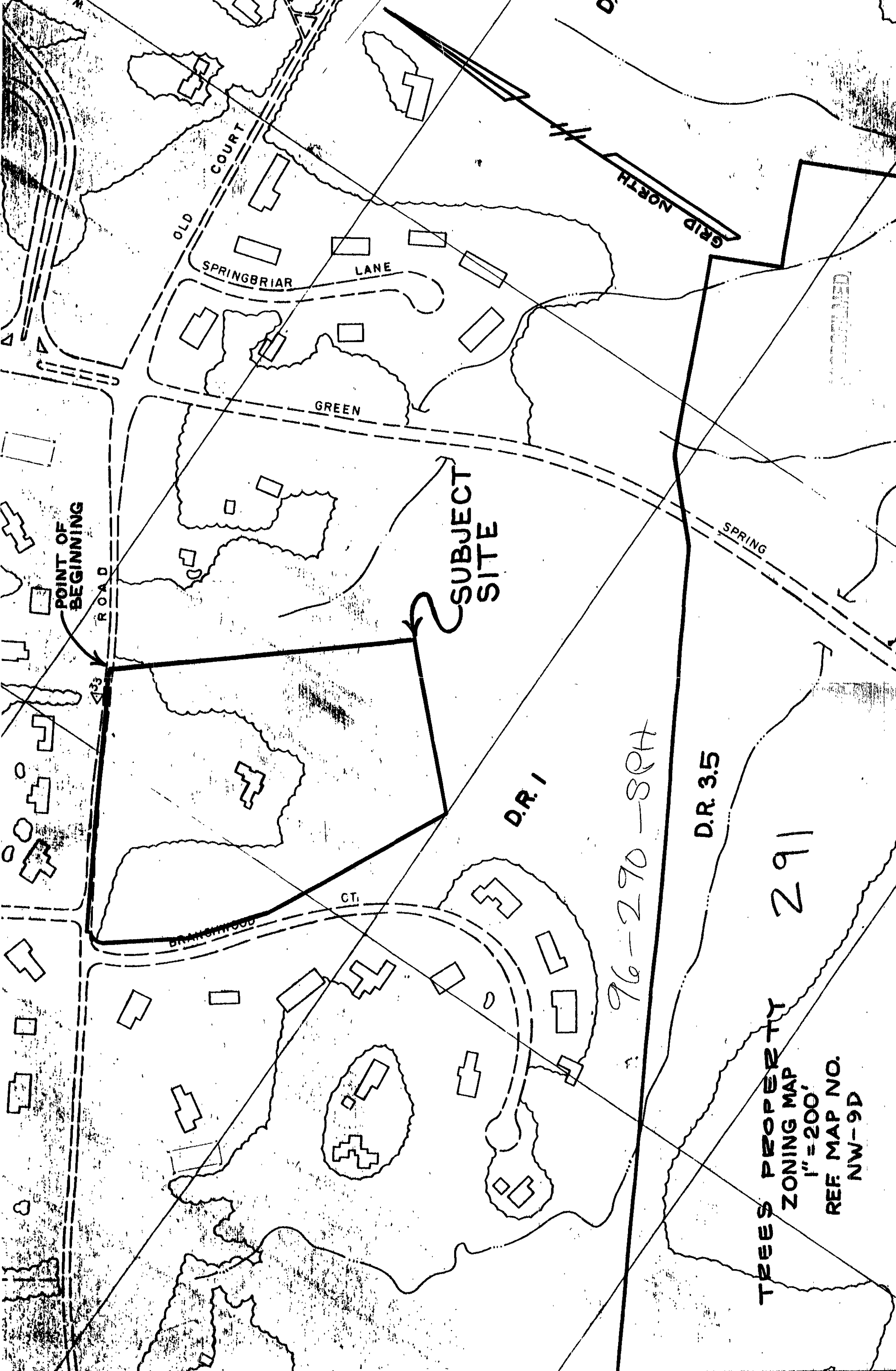
5) Prior to the issuance of a building permit for a house on Lot 6, the Developer shall submit elevation drawings to the Office of Planning and Community Conservation for a determination as to whether that house is compatible with the Schon house located on the adjacent property. The Office of Planning and Community Conservation shall have the final say on the issue of compatibility.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

TMK:bjs

8/24/15  
CH/KAL  
[Handwritten signature]



POINT OF BEGINNING

ROAD

OLD COURT

SPRINGBRIAR

LANE

GREEN

GRID NORTH

SPRING

SUBJECT SITE

D.R. 1

D.R. 3.5

96-290-894

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TREES PROPERTY ZONING MAP

1"=200'

REF. MAP NO.

NW-9D

IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING - S/S Old Court Road, E of Branchwood Road, 3rd Election District, 3rd Councilmanic District

\* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case Nos. III-369 and 96-290-SPH

Nathan Patz, et ux, Owners; and, Harry Belman & Irv Polashuk, Contract Purchasers/Developers

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON REMAND

This matter comes before this Hearing Officer/Deputy Zoning Commissioner on Remand from the County Board of Appeals for a finding as to whether two density units were, in fact, reserved on Parcel A of the subject site, through the lawful recordation of same. In addition to the issue on remand, the Owners/Developers seek approval of an amendment to the previously approved Final Development Plan of The Patz Property, also known as the Plat of the Minor Subdivision of The Patz Property, to reflect the proposed development, known as The Trees Property.

As indicated above, this matter came before me for consideration of a development plan prepared by Development Engineering Consultants, Inc., for the proposed development of the subject property by Nathan and Doris Patz, Owners, and Harry Belman and Irv Polashuk, Contract Purchasers/Developers, with seven single family dwellings. The property consists of a gross area of 7.3527 acres, more or less, zoned D.R.1, and is located on the southeast side of Old Court Road and Branchwood Court. The project proceeded through the concept plan conference, community input meeting, and development plan conference as required, and came before me at a Hearing Officer's Hearing on July 26, 1995. By Order dated August 24, 1995, I approved the development plan for The Trees Property, subject to certain terms and restrictions. An appeal of my decision was subsequently heard

by the Baltimore County Board of Appeals who, by Order dated October 25, 1995, remanded the case back to this Hearing Officer as noted above. A second Hearing Officer's Hearing was scheduled for December 15, 1995, but was subsequently postponed so that the Applicants could file the instant Petition for Special Hearing seeking the relief as set forth above. The hearing on that Petition and the Remand from the Board of Appeals was then heard by this Hearing Officer/Deputy Zoning Commissioner, on March 27, 1996, after which Counsel for the Owner/Applicants and the Protestants submitted Post Hearing Memoranda of Law.

Appearing at the public hearing required for this project were Irv Polashuk, Owner/Developer, Thomas A. Church, President, Development Engineering Consultants, Inc., who prepared the development plan/site plan for this property, and Benjamin Bronstein, Esquire, attorney for the Owner/Developer. Appearing in opposition to the requests before me were Elaine O'Mansky, Vice President, Old Court/Greenspring Improvement Association, who was represented by Stephen J. Nolan, Esquire, Irving S. Kroll and Robin Kaplan, nearby residents of Branchwood Court, Neil Schechter, who appeared on behalf of the Arundel Corporation, adjacent property owners, and David S. Thaler. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing.

As noted above, there are two proceedings pending before this Deputy Zoning Commissioner/Hearing Officer concerning this property, which was formerly known as The Patz Property, and, also, as The Trees Property. As to the remand from the Board of Appeals, the issue before me is a very limited issue that has specifically been remanded to me by the Board of Appeals. The Board of Appeals otherwise affirmed my previous decision on this matter, however, specifically remanded the case in order for me, as

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Hearing Officer, to determine whether two density units were reserved on Parcel A of the subject site, through the lawful recordation of same. That is the only issue that is before this Hearing Officer on the Remand.

As to that particular issue, the following findings of fact are made. The property which is the subject of this case, formerly known as "The Patz Property", proceeded through the minor subdivision process in accordance with the development regulations of Baltimore County and received minor subdivision approval on June 3, 1991. Entered into evidence as Developer's/Petitioner's Exhibit 1, was a plat of The Patz Property, showing the subdivision of the property, which, at that time, consisted of 10.84 acres, into three separate parcels: Parcel A (1.6808 acres), Lot 1 (2.9 acres), and Tract B (5.6719 acres). This plat bears the signatures of David Thomas, a representative of the Department of Public Works, and Frank Fisher, a representative of the Office of Planning and Zoning, both signatures dated June 3, 1991. In addition, the subdivision plat specifically allocated the density units that would be associated with Parcel A (1.6808 acres), Tract B (5.6719 acres), and Lot 1 (2.9 acres) which was subsequently sold pursuant to the minor subdivision. These density allocations were contained on Page 2 of the aforementioned minor subdivision plat. It is from this minor subdivision plat, which received full approval from Baltimore County in June, 1991, that density has been allocated to Parcel A and Tract B in the aforementioned manner. Therefore, in response to the Remand of the Board of Appeals, I find that the proper procedures were followed in 1991 and that two density units were, in fact, reserved on Parcel A, pursuant to the development regulations of Baltimore County.

As to the Petition for Special Hearing, the Petitioners requested approval of an amendment to the Final Development Plan of The Patz Property

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to be consistent with the seven-lot subdivision known as The Trees Property which came before me for development plan approval in July 1995. The site plan submitted with the Petition for Special Hearing, which was accepted and marked into evidence as Petitioner's Exhibit 3A, depicts the seven lots which were created on the property, pursuant to my Order issued in August, 1995. At that time, the Petitioners did not request a special hearing to amend the previously approved Final Development Plan of The Patz Property to show that the remaining 7.3527 acres had been subdivided into seven lots. Thus, the Petition for Special Hearing is necessary to reflect the changes that were made to the property, in effect, showing two lots on Parcel A, and five lots on Tract B, which is consistent with the density allocations specified on the minor subdivision plat entitled "The Patz Property".

After due consideration of the testimony and evidence presented, it is clear that an amendment to the previously approved final development plan is appropriate and should be approved. The relief requested will not be detrimental to the public health, safety, and general welfare and meets the spirit and intent of the zoning regulations.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the relief requested on Remand and the Petition for Special Hearing shall be granted in accordance with the following:

IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 14th day of March, 1997 that the minor subdivision of "The Patz Property" received full and final approval by Baltimore County in June, 1991, and was, in fact, lawfully recorded, in accordance with the development regulations of Baltimore County in effect at the time

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of its approval, and further, that two density units were reserved on Parcel A of the subject property, which is consistent with the development plan for The Trees Property, identified as Developer's Exhibit 1; and as such, the relief requested in the Remand be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the Final Development Plan of The Patz Property, also known as the Plat of the Minor Subdivision of The Patz Property, in accordance with Developer's/Petitioner's Exhibit 1, be and is hereby GRANTED, and is consistent with the seven lots depicted on Petitioner's Exhibit 3A.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

Timothy M. Kerec  
Hearing Officer  
for Baltimore County

TMK:bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning  
March 14, 1997

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

Benjamin Bronstein, Esquire  
Evans, George and Bronstein  
29 W. Susquehanna Avenue, Suite 205  
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING  
S/S Old Court Road, E of Branchwood Road  
3rd Election District - 3rd Councilmanic District  
Nathan Patz, et ux, Owners; and,  
Harry Belman & Irv Polashuk, Contract Purchasers/Developers  
Case Nos. III-369 and 96-290-SPH

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Remand portion of the Development Plan has been approved and the Petition for Special Hearing granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 867-3391.

Very truly yours,

Timothy M. Kerec  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Nathan Patz, One Slade Avenue, Baltimore, Md. 21208  
Messrs. Richard Belman/Irv Polashuk, 3416 Keyser Road, Balto. Md. 21208  
Mr. Thomas Church, Development Engineering Consultants, Inc.  
6603 York Road, Baltimore, Md. 21212

Stephen J. Nolan, Esquire, Nolan, Plunkhoff & Williams  
502 Washington Avenue, Suite 700, Towson, Md. 21204  
Ms. Elaine O'Mansky, Vice President, Old Court Greenspring Imp. Assoc.  
2 Saxony Court, Baltimore, Md. 21208  
Mr. Irving S. Kroll, 8 Branchwood Court, Baltimore, Md. 21208  
Mr. Robin Kaplan, 4 Branchwood Court, Baltimore, Md. 21208  
Neil Schechter, Esquire, 233 E. Redwood Street, Baltimore, Md. 21202  
Ms. Chris Rorke, Proj. Mgr., DPDM; DEPRM; DPW; Peoples Counsel; F&E

RE: PETITION FOR SPECIAL HEARING  
SEC Old Court Road and Branchwood Court  
(Trees Property), 3rd Election District,  
3rd Councilmanic

\* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Legal Owners: Nathan and Doris Patz  
Contract Purchasers: Richard Belman and Irv Polashuk

\* Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Charles S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Petition for Special Hearing  
96-290-SPH  
to the Zoning Commissioner of Baltimore County  
for the property located at South side of Old Court Road at East side Branchwood Court 10.84 acres which is presently zoned DR 1

The Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve amendment to the Final Development Plan of "The Patz Property" also known as Plat of the Minor Subdivision of "The Patz Property".

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Purchaser/Lessee:  
Richard Belman and Irv Polashuk  
(Type or Print Name) The Polashuk  
Signature Richard Belman  
3416 Keyser Road  
Towson, Maryland 21208  
City State Zip

Legal Owner(s):  
Nathan Patz  
(Type or Print Name) Signature  
Doris Patz  
(Type or Print Name) Signature  
One Slade Avenue 410-436-6048  
Address Phone No.  
Baltimore, Maryland 21208  
City State Zip  
Name, Address and phone number of representative to be contacted:  
Thomas Church, P.E.  
Development Engineering Consultants, Inc.  
Name 6603 York Road Baltimore, MD 21212 (410) 377-2600  
Address Phone No.

Attorney for Petitioner: Benjamin Bronstein  
Evans, George and Bronstein  
(Type or Print Name) Signature  
29 W. Susquehanna Ave., Suite 205  
Address (410) 296-0200 Phone No.  
Towson, Maryland 21204 City State Zip

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date: Next Two Months  
ALL OTHER  
REVIEWED BY: Date 1-31-96

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# DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road  
Baltimore, Maryland 21212  
(410) 377-2600  
(410) 377-2625 Fax

## ZONING DESCRIPTION

TREES PROPERTY  
3RD ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in or near the center of Old Court Road, as described in a Deed dated July 30, 1980 and recorded among the Land Records of Baltimore County in Liber 6188, Folio 770, 1) thence leaving Old Court Road, South 40 degrees 52 minutes 37 seconds East 741.17 feet to a point; 2) thence South 44 degrees 53 minutes 47 seconds West 428.33 feet to a point, situated on the northeasterly most side of a 50.00' right-of-way, formerly known as Oak Road; 3) thence running with and binding on said right-of-way North 63 degrees 31 minutes 10 seconds West 480.00 feet to a point situated on the northeasterly most right-of-way line of Branchwood Court, being a variable width right-of-way; 4) thence running with and binding on the last mentioned right-of-way, the following three courses and distances: North 53 degrees 17 minutes 10 seconds West 200.00 feet; 5) thence North 39 degrees 34 minutes 10 seconds West 200.00 feet; 6) thence with a curve to the right having a radius of 29.80 feet, an arc of 51.24 feet and being subtended by a chord bearing and distance of North 09 degrees 42 minutes 08 seconds East 45.16 feet to a point on the southeasterly side of Old Court Road; 7) thence North 31 degrees 02 minutes 10 seconds West 15.00 feet to a point in or near the center of Old Court Road; 8) thence running along the center of Old Court Road, the following two courses and distances: North 58

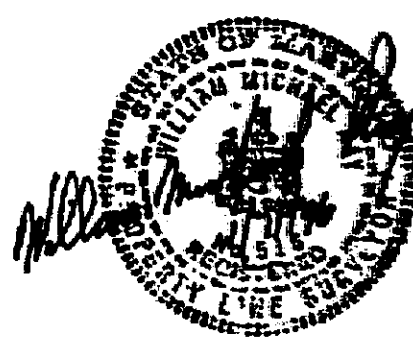
291

degrees 57 minutes 50 seconds East 307.49 feet to a point; 9) thence North 59 degrees 26 minutes 36 seconds East 315.05 to the point of beginning.

Containing 472,206 square feet or 10.8403 acres of land, more or less.

Being all that land as described in a Deed dated July 30, 1980, and recorded among the Land Records of Baltimore County in Liber 6188, Folio 770.

94-168  
1-11-96



291

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd  
Posted for: Special Hearing / Remand  
Petitioner: Nathan Patz / Doris Patz  
Location of property: SE CORNER OF OLD CT. RD. & BRANCHWOOD CT.  
Location of Sign: \_\_\_\_\_  
Remarks: \_\_\_\_\_  
Posted by: Monte Shaw  
Number of Signs: \_\_\_\_\_

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 16, 1996  
THIS IS TO CERTIFY, that the aforesaid advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once to each of 1 successive weeks, the first publication appearing on Feb. 15, 1996

THE JEFFERSONIAN  
A. Henrichson  
LEGAL AD. - TOWSON

Post by: 2/20/96

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".  
Remand from Baltimore County Board of Appeals.

HEARING: WEDNESDAY, MARCH 6, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 1-31-96 ACCOUNT: 2001-6150  
AMOUNT: 285.00  
RECEIVED FROM: NATHAN PATZ  
FOR: SPE. HRL (040)  
FOR: POSTING (040)  
TOTAL: 285.00  
VALIDATION OR SIGNATURE OF CASHIER: JEM



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING DECISION.

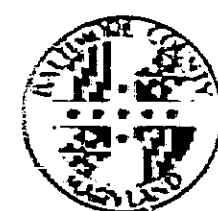
ARNOLD JASLON, DIRECTOR

For newspaper advertising:

Item No.: 291 Petitioner: NATHAN PATZ  
Location: SE CORNER OF OLD CT. RD. & BRANCHWOOD CT.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BENJAMIN BRONSTEIN, ESQ.  
ADDRESS: 27 W. SYRACUSA AVE. SUITE 205  
TOWSON, MD. 21204  
PHONE NUMBER: 296-0200



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 29, 1996

## NOTICE OF REASSIGNMENT

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".  
Remand from Baltimore County Board of Appeals.

NEW HEARING DATE: TUESDAY, MARCH 12, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

ARNOLD JASLON  
DIRECTOR

cc: Nathan and Doris Patz  
Thomas Church, P.E.  
Richard Belman and Irv Polashuk  
Benjamin Bronstein, Esq.  
Stephen Nolan, Esq.  
Nancy Paige, Esq.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 12, 1996

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".  
Remand from Baltimore County Board of Appeals.

HEARING: WEDNESDAY, MARCH 6, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

ARNOLD JASLON  
DIRECTOR

cc: Nathan and Doris Patz  
Thomas Church, P.E.  
Richard Belman and Irv Polashuk  
Benjamin Bronstein, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 22, 1996  
VIA FAX & 1st Class

## NOTICE OF REASSIGNMENT

CASE NUMBER: 96-290-SPH (Item 291)  
Trees Property  
SEC Old Court Road and Branchwood Court  
3rd Election District - 3rd Councilmanic  
Legal Owner: Nathan Patz and Doris Patz  
Contract Purchaser: Richard Belman and Irv Polashuk

Special Hearing to approve amendment to the Final Development Plan of the "Patz Property", also known as Plat of the Minor Subdivision of the "The Patz Property".

HEARING: WEDNESDAY, MARCH 27, 1996 at 3:00 p.m. in Room 106, County Office Building.

ARNOLD JASLON  
DIRECTOR

cc: Stephen J. Nolan, Esq. (fax #296-2765)  
Benjamin Bronstein, Esq. (fax #296-3719)  
Nancy E. Paige, Esq. (fax #576-4167)  
Tom Church (fax #377-2625)



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 28, 1996

Benjamin Bronstein, Esquire  
Evans, George and Bronstein  
29 W. Susquehanna Ave., Suite 205  
Towson, MD 21204

RE: Item No.: 291  
Case No.: 96-290-SPH  
Petitioner: N. Patz, et ux

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 31, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*[Signature]*  
W. Carl Kucharski, Jr.  
Zoning Supervisor

MCR/jw  
Attachment(s)



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

February 15, 1996

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Baltimore County  
MD 133 (South side)  
Trees Property  
opposite Eden Roe Way  
Special Easement request  
Item #291 (JCM)  
Mile Post 2.71

Dear Ms. Watson:

In our previous review of the development plan for the subject item, and in our letter to Mr. Donald Rascoe, Development Manager for Baltimore County, dated June 27, 1995, we indicated that the proposed dedication and entrance improvements indicated on the plan are generally acceptable to the State Highway Administration (SHA).

Since the proposed residential entrances will serve less than five (5) lots, the developer must contact Mr. Randy Brown, Resident Maintenance Engineer at 410-363-1315 in order to obtain the required permit necessary to construct the proposed entrances onto MD 133.

Therefore, we have no objection to approval of the plan as submitted.

Since our review of the current plans reveals no revisions to the proposed access onto MD 133, our previous comments remain valid and we have no objection to approval of the special hearing request.

Should you have any questions, please contact Bob Small at 410-545-5581.

Very truly yours,

*[Signature]*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is 410-545-5800 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2238 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
February 21, 1996  
FROM: J. Lawrence Pilon  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #291 - Patz Property  
Old Court Road & Branchwood Court  
Zoning Advisory Committee Meeting of February 12, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

JLP:VK:sp

PATZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: Feb. 20, 1996  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division  
RE: Zoning Advisory Committee Meeting  
for February 20, 1996  
Item No. 281

The Development Plans Review Division has reviewed the subject zoning item. A final landscape plan must be approved by this office prior to release of permits.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM  
DATE: February 14, 1996  
FROM: Arnold F. "Pat" Keller, III, Director, PC  
SUBJECT: Patz Property

INFORMATION:

Item Number: 291  
Petitioner: Patz Property  
Property Size: \_\_\_\_\_  
Zoning: DR-1  
Requested Action: Special Hearing  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The attached comments reflect the position of this office.

Prepared by: *[Signature]*  
Division Chief: *[Signature]*

PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

REVISED DEVELOPMENT PLAN COMMENTS

TO: Arnold Jablon, Director - Office of Permits & Development Management  
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Community Conservation

DATE: July 11, 1995

PROJECT NAME: Trees Property

PROJECT NUMBER: III-369

PROJECT PLANNER: Ervin McDaniel

RECOMMENDATIONS

Staff has reviewed the submitted materials and recommends APPROVAL subject to the listings below.

Scenic Route

The Office of Planning has reviewed the required scenic route material (photographs, landscape plan and cross-sections) and find that this project does not have a negative impact on the scenic quality of Old Court Road.

Road Connection

Staff has reviewed documentation (cross-section, revised development plan showing the public road, and the Arundel Greenspring Quarry Reclamation Development Plan) and will not require this project to have a road connection to the Arundel Greenspring Quarry site.

The cross-sections and revised development plan revealed that a public road would have a negative impact on Old Court Road, the existing house on site and the development potential of the site. The Reclamation Development Plan for the Arundel Greenspring Quarry does not show any connections to the properties fronting Old Court Road.

Landscape

The final Landscape Plan should show a landscape buffer at the rear of lot 6 and the existing house at 2917 Old Court Road.

Division Chief: *[Signature]*

EMD:rdm

9503369.D2/PZONE/CONCEPT

Pg. 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director - Zoning Administration & Development Management  
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Zoning  
DATE: July 5, 1995

PROJECT NAME: Trees Property

PROJECT NUMBER: III-369

PROJECT PLANNER: Ervin McDaniel

GENERAL INFORMATION:

Applicant Name: Harry Belman & Irv Polashuk  
3416 Keyser Rd Baltimore MD 21208

Location: South side corner Old Court Rd & Branchwood

Councilmanic District: 2nd

Growth Management Area: Community Conservation Area

Zoning: DR 1

Acres: 7.7986± acres

Surrounding Land Use and Zoning:

North: DR 1 Single-family Homes  
South: DR 3.5 Greenspring Quarry  
East: DR 1 Single-family Homes  
West: DR 1 Single-family Homes

Project Proposal:

The Applicant is proposing 7 single-family dwelling units on 7.7986± of land zoned DR 1. A request will be made to allow a panhandle longer than the maximum length permitted to the existing dwelling on lot 7. The tract is predominantly wooded with some lawn. There is a stream, wetlands and floodplain located on the western portion of the property.

9503369.DEV/PZONE/CONCEPT

Pg. 1

PROJECT NAME: Trees Property

PROJECT NUMBER: III-369

Project History:

This site was the subject of a minor subdivision (Patz Property) which was approved on June 3, 1991. It created 3 parcels (Parcel 567, 569, and 570). Parcels 569, and 570 are proposed for development. There is a dwelling located on Parcel 567 and one located on Parcel 570. These dwellings will remain. A variance was granted from quantity stormwater management on March 5, 1992.

Other Anticipated Actions and Additional Review Items:

Special Exception Referral to Planning Board PUD  
X Variance \* Compatibility Other  
Waiver X Scenic Route  
RTA Modification Design Review Panel

\* A variance for stormwater management quality control was granted on March 5, 1992.

PARTIES TO BE NOTIFIED BY APPLICANT:

ALL ADJACENT PROPERTY OWNERS  
Greenspring East Helmsley Court HOA  
William Flax 4 Hurlingham Courtt  
27 Willwood Court Baltimore MD 21208  
Baltimore MD 21209 Old Court Greenspring Imprvmt Assn  
Harry Goldberg, President  
3131 Old Court Road  
Baltimore MD 21208

MEETINGS:

Concept Plan Conference 02 / 23 / 95 Community Input Meeting 03 / 28 / 95  
Development Plan Conference 07 / 08 / 95 Hearing Officer's Hearing 07 / 26 / 95  
Planning Board / /

RECOMMENDATION(S)

The Office of Planning and Zoning has reviewed the Development Plan for conformance with the Concept Plan comments of February 17, 1995 and will not make recommendations to the Hearing Officer until the following information that was requested at the Concept Plan Conference is submitted to the Planning Office.

9503369.DEV/PZONE/CONCEPT

Pg. 2



BB/mlg/03-11-96

RE: THE TREES PROPERTY \* BEFORE THE  
\* ZONING COMMISSIONER  
CASE NO.: 96-290-SPH (Item 20) \* OF BALTIMORE COUNTY

**SUBPOENA DUCES TECUM**

TO: Joseph Merrey, Planner  
Office of Permits and Development  
Management for Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

At the request of Benjamin Bronstein, Esquire, attorney for  
the Developer, you are commanded to appear and testify at the  
following date, time and place:

Date: Tuesday, March 11, 1996

Time: 9:00 a.m.

Place: Zoning Commissioner Hearing Room, Courthouse, 400  
Washington Avenue, Towson, Maryland 21204

YOU FURTHER ARE COMMANDED to bring with you to the hearing the  
Department of Permits and Development Management file for the Trees  
Property as are within your possession, custody, or control.

Benjamin Bronstein  
Zoning Commissioner for Baltimore County  
Date of Issuance: March 8, 1996

Ben Bronstein

Stephen Nolan - Old Court Greening Assoc Inc

Arundel Corporation

What Amendments are being requested today

Plan on Board

Stephen Nolan

"a proposed hearing" SPH

Issue

LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN  
SUSQUEHANNA BUILDING, SUITE 205  
29 WEST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(410) 296-0200  
FAX: (410) 296-3719

CONSTANCE K. PUTZEL  
OF COUNSEL

January 30, 1996

**HAND DELIVERED**

Arnold Jablon, Director  
Department of Permits  
and Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: The Trees Property

Dear Mr. Jablon:

I am enclosing the following:

1. Petition for Special Hearing in triplicate.
2. Zoning description under seal in triplicate.
3. Copy of 200 scale zoning map.
4. Twelve (12) copies of the Second Amended Development  
Plan/Development Plan - Trees Property.
5. My check to cover cost and property posting.

The development plan for this property was filed in PDM III-  
369. In that case the Board of Appeals approved the development  
plan but remanded the case to the Zoning Commissioner for purposes  
of amending the final development plan. I am therefore requesting  
that this filing, together with the remanded case be promptly set  
in for a consolidated expedited hearing before the Zoning  
Commissioner/Hearing Officer.

1/31/96 File w/ Gov. re. the Board's  
plan in Special Hg. file  
291

LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN  
SUSQUEHANNA BUILDING, SUITE 205  
29 WEST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(410) 296-0200  
FAX: (410) 296-3719

CONSTANCE K. PUTZEL  
OF COUNSEL

March 8, 1996

VIA FAX 887-3468  
AND FIRST CLASS MAIL

The Honorable Lawrence Schmidt  
Zoning Commissioner for  
Baltimore County  
Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

VIA FAX 887-5708  
AND FIRST CLASS MAIL

Arnold Jablon, Director  
Department of Permits and  
Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Trees Property  
Case No.: 96-290-SPH (Item 20)

Dear Commissioner Schmidt and Mr. Jablon:

This letter is to inform you that I categorically oppose the  
request for continuance made by Stephen J. Nolan in the above-  
captioned matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg

cc: Stephen J. Nolan, Esquire (via fax 296-2765)  
Nancy E. Paige, Esquire (via fax 576-4167)  
Peter Max Zimmerman, Esquire (via fax c/o 887-3182)  
People's Counsel

LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN

March 8, 1996

VIA FAX 887-3468  
AND FIRST CLASS MAIL

The Honorable Lawrence Schmidt  
Zoning Commissioner for  
Baltimore County  
Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

VIA FAX 887-5708  
AND FIRST CLASS MAIL

Arnold Jablon, Director  
Department of Permits and  
Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Trees Property  
Case No.: 96-290-SPH (Item 20)

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This letter is to inform you that I categorically oppose the  
request for continuance made by Stephen J. Nolan in the above-  
captioned matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg

cc: Stephen J. Nolan, Esquire (via fax 296-2765)  
Nancy E. Paige, Esquire (via fax 576-4167)  
Peter Max Zimmerman, Esquire (via fax c/o 887-3182)  
People's Counsel

LAW OFFICES  
NOLAN, PLUSHOFF & WILLIAMS  
CHARTERED

SUITE 700 COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(410) 823-7800  
TELEFAX (410) 296-2768

March 7, 1996

**VIA HAND DELIVERY**

Arnold Jablon, Director  
Baltimore County Department  
of Permits and Development  
Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Honorable Lawrence Schmidt  
Zoning Commissioner  
Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: Trees Property  
Case No.: 96-290-SPH (Item 20)  
REQUEST FOR CONTINUANCE

Dear Mr. Jablon and Commissioner Schmidt:

The above-captioned matter is currently set for hearing on  
Tuesday, March 12, 1996 at 9:00 a.m.

The purpose of this letter is to request a continuance. I  
have just been informed by my expert witness, Mr. David Thaler,  
that although he was available for the original hearing date of  
March 6, 1996, he will be out of the country on Tuesday, March  
12.

We learned of the reassignment on March 4; thus this  
request could not be submitted prior to ten days of the hearing.

Thank you for your consideration of this request.

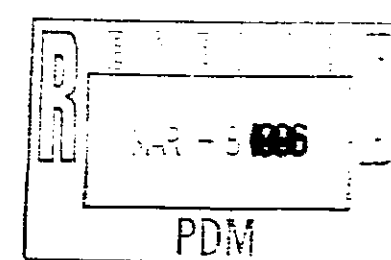
Very truly yours,

Stephen J. Nolan

Stephen J. Nolan  
Counsel for Old Court/GreenSpring  
Improvement Association

SJN/mao

cc: Benjamin Bronstein, Esquire  
Phyllis Friedman, Esquire  
Ms. Elaine O'Mansky  
Dr. Harry Goldberg  
David S. Thaler



Rosalee Davison

March 8, 1996

The Honorable Timothy Kotroco  
Deputy Zoning Commission & Hearing Officer  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, MD 21204

Dear Commissioner Kotroco:

I had planned to attend the hearing today for Case #96-290SPH  
(Item 291) regarding the "Trees" property. I will be unable to attend  
the hearing on the 12th because I will be out of town and there was not  
sufficient notice for me to be able to change my plans.

We consider the extra 2 houses to be a violation of zoning for the  
property. Branchwood Court conforms to DR 1 and it is unfair to the  
residents to increase the density, especially at the intersection.

Even more distressing is the proposal of Arundel to build an access  
road through the property. This would feed major traffic to Old Court  
Road far too close to Greenspring. Even now, it is difficult to enter  
Old Court Road from Branchwood during the morning hours. We were assured  
by Arundel that its development would be accessed through Greenspring Avenue.  
We urge you not allow this violation.

Very truly yours,

Rosalee Davison  
Rosalee Davison  
18 Branchwood Court  
Baltimore, MD 21208

RCD/lkj

cc: The Honorable Lawrence E. Schmidt

MORTON B. PLANT  
7600 ROLLING MILL ROAD  
BALTIMORE, MARYLAND 21284

March 6, 1996

The Honorable Timothy Kotroco  
Deputy Zoning Commission & Hearing Officer  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, MD 21204

Dear Commissioner Kotroco:

I expected to attend the hearing today for case #96-290SPH  
(Item 291) regarding the "Trees" property. Because of  
insufficient notice I am unable to attend the hearing on the 12th  
as I will be out of the State at that time.

Mrs. Plant and I consider the extra two houses to be a direct  
violation of zoning for the property in question. As  
Branchwood Court conforms to DR1 it is unfair to the people  
on this street and furthermore completely illogical to increase the  
density especially at this intersection.

It only adds insult to this idea with the thought of Arundel  
building an access wall through this property. This would feed a  
tremendous amount of traffic on to Old Court Road very close  
to the Greenspring Avenue intersection. The Greenspring/Old  
Court intersection is already difficult enough to enter at anytime.

Please do not allow this proposal to pass.

Yours very truly,

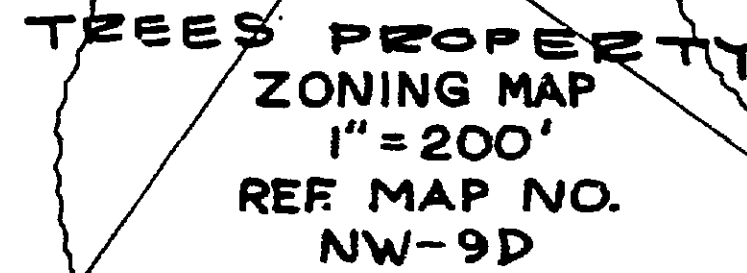
Morton B. Plant

Morton B. Plant

MBP/hf

cc: The Honorable Lawrence E. Schmidt



Printed with Care by a  
Printer on Recycled Paper

DATE: October 12, 1965

POST HEARING MEMORANDUM OF  
THE ARUNDEL CORPORATION, PROTESTANT

## FACTS

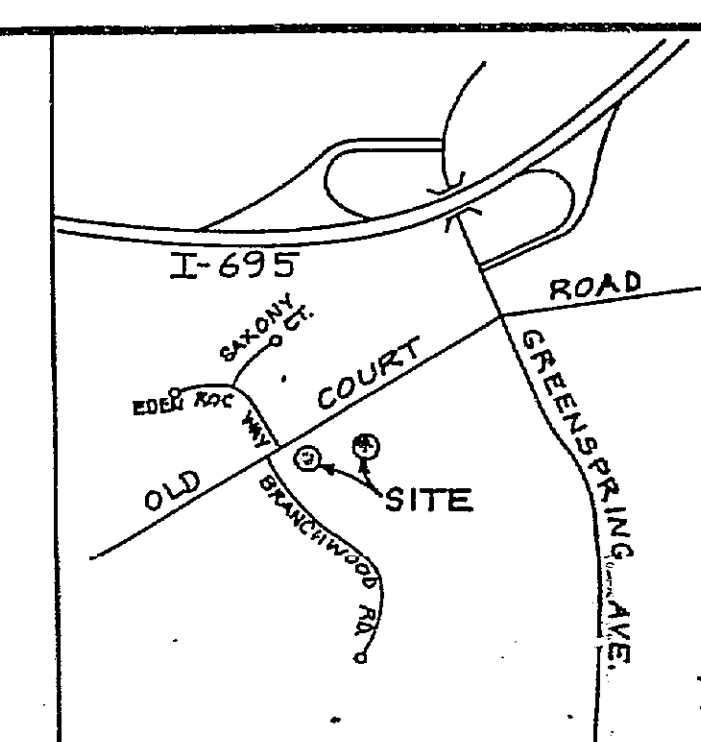
March 26, 1996

We are writing this letter at the request of Mr. Benjamin Bronstein, the attorney for the developers of the Treas Property. Lew and I live at 2917 Old Court Road, and we are in support of the proposed development plan. However, we are vehemently opposed to the public road being proposed by the Arundel Corporation in order to access their property.

Sincerely,  
Erika Schon

Dev / Pet Ex  $\neq 4$





ZONING HISTORY: NONE

**DR-1 ZONING REGULATIONS:**

DWELLING UNITS PER ACRE	1
MINIMUM LOT AREA	1/4
FRONT BUILDING FACE TO PUBLIC STREET E/W OR PROPERTY LINE	25'
REAR BUILDING FACE TO REAR STREET E/W OR PUBLIC PROPERTY LINE	30'
SIDE BUILDING FACE TO PUBLIC STREET E/W OR PROPERTY LINE	25'
SIDE OR FRONT BUILDING FACE TO PRIVATE ROAD	35'
BETWEEN SIDE BUILDING FACES	30'
MAXIMUM BUILDING HEIGHT	50'

SETBACKS FOR LOTS W/ SEPTIC  
RESERVE AREAS  
BUILDING TO SEPTIC RESERVE  
AREA  
SEPTIC RESERVE TO PROPERTY LINE,  
RIGHT OF WAY, OR UTILITY  
EASEMENT

NOTE:  
- SEE SHEET 2 OF 2 FOR  
DETAILS, GENERAL NOTES AND  
DENSITY CALCULATIONS.

-SEE SHEET 2 OF 2 FOR  
HEARING OFFICER'S ORDER.

REASONS FOR 2ND AMENDMENT  
(DATE OF 2ND AMENDMENT 5-24-95)  
RESUBDIVISION OF PATZ PROPERTY  
FROM MINOR SUBDIVISION TO  
MAJOR SUBDIVISION.

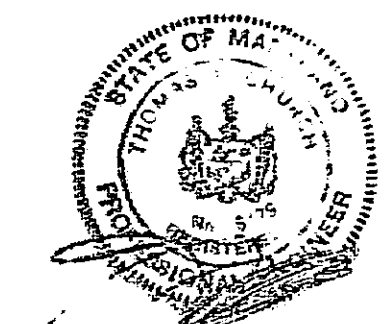
Ret Ex #3A  
7.9

96-290-SPT

OFFICE OF PLANNING & ZONING  
APPROVED BY:

DIRECTOR OF PLANNING DATE

DIRECTOR OF P. D. M. DATE



THIS PLAN IS SEALED AND  
CERTIFIED TO BE IN ACCORDANCE  
WITH THE HEARING OFFICER'S  
ORDER AND ALL AGENCY COMMENTS

SHEET 1 OF 2	DATE 5-2-68 SCALE 1" = 50'	CONTRACT NUMBER 94-168
-----------------------	-------------------------------------	------------------------------

### LEGEND

**LEGEND**

475 EX. CONTOURS

~~475~~ SOILS

EX. STREAM

EX. WOODS

PROPOSED PROP. TREE LINE

STEEP SLOPES (25% OR GREATER)

PASSING PERC TEST

FAILING PERC TEST

EX. WELL

EX. WETLANDS (LOCATION APPROVED BY DEPRM)

ORIENTATION ARROWS

PROPOSED STREET LIGHT

RESULTS ON FILE W/ DEPRM, GEOWATER DIVISION

2<sup>ND</sup> AMENDED DEVELOPMENT PLAN/  
FINAL DEVELOPMENT PLAN 92-150Z

TREES PROPERTY- ZADM#  
DISTRICT NO. 3 C2 III - 369  
BALTIMORE COUNTY, MD

**DEVELOPMENT ENGINEERING CONSULTANTS, INC.**  
SITE ENGINEERS & SURVEYORS  
6603 YORK ROAD (410) 377-2600 BALTIMORE MARYLAND 21212

OWNER  
NATHAN E DOEIS PATZ  
ISLADE AVENUE  
PIKESVILLE, MD, 21208

DEVELOPERS/CONTRACT PURCHASERS  
HARRY BELMAN & IRV POLASHUK  
3416 KEYSER ROAD  
BALTIMORE, MD., 21208, (410) 298-0261

	2/25/99	AMENDED TO SHOW HOW COMMENTS
DATE	2/25/99	25, 26, 400-BS COMMENTS
BY	6/16/99	EXAM HOW
REVISION		200 PER WELL & SEPTIC SYSTEM
		FOR # 29.3
DATE		REVISIONS





**ZONING - 4 STORY: ONE**

**DR-1 ZONING REGULATIONS:**

DWELLING UNITS PER ACRE	1
MINIMUM LOT AREA	N/A
FRONT BUILDING FACE TO PUBLIC STREET R/W OR PROPERTY LINE	25'
REAR BUILDING FACE TO REAR PROPERTY LINE OR PUBLIC STREET R/W	30'
SIDE BUILDING FACE TO PUBLIC STREET R/W OR PROPERTY LINE	25'
SIDE OR FRONT BUILDING FACE TO PRIVATE ROAD	35'
BETWEEN SIDE BUILDING FACES	20'
MAXIMUM BUILDING HEIGHT	50'

**SE BACKS 2-3 LOTS W/ SEPTIC RESERVE AREAS**

**BUILDING TO SEPTIC RESERVE**

**20' W/**

**NOTES:**

- SEE SHEET 2 OF 2 FOR DETAILS, GENERAL NOTES AND DENSITY CALCULATIONS.
- SEE SHEET 2 OF 2 FOR DETAILED NOTES AND DENSITY CALCULATIONS.

**READING FOR 222 AMENDMENT (DATE OF 222 AMENDMENT 5-20-95)**

**CASE No: 96-290-SPH (ITEM 291)**

**2<sup>ND</sup> AMENDED DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN**

**TREES PROPERTY - ZADM# III-369**

**DEVELOPMENT ENGINEERING CONSULTANTS, INC.**  
 SITE ENGINEERS & SURVEYORS  
 6603 YORK ROAD (410) 577-2600 BALTIMORE, MARYLAND 21212

**OWNER:**  
 NATHAN & JORIS PATZ  
 15140E AVENUE  
 Pikesville, MD, 21208

**DEVELOPERS/CONTRACT:**  
 HARRY BELMAN & IRV POLASHUK  
 3416 KEYSER ROAD  
 BALTIMORE, MD., 21208, (410) 898-7064

ELECTION DISTRICT NO. 3 C2

BALTIMORE COUNTY, MD.

DATE	5-26-95	CONTRACT NO.	94-168
REVISION	1"=50'		

12/1/95 AMENDED TO SHOW H.O.H. COMMENTS

DATE	REVISION

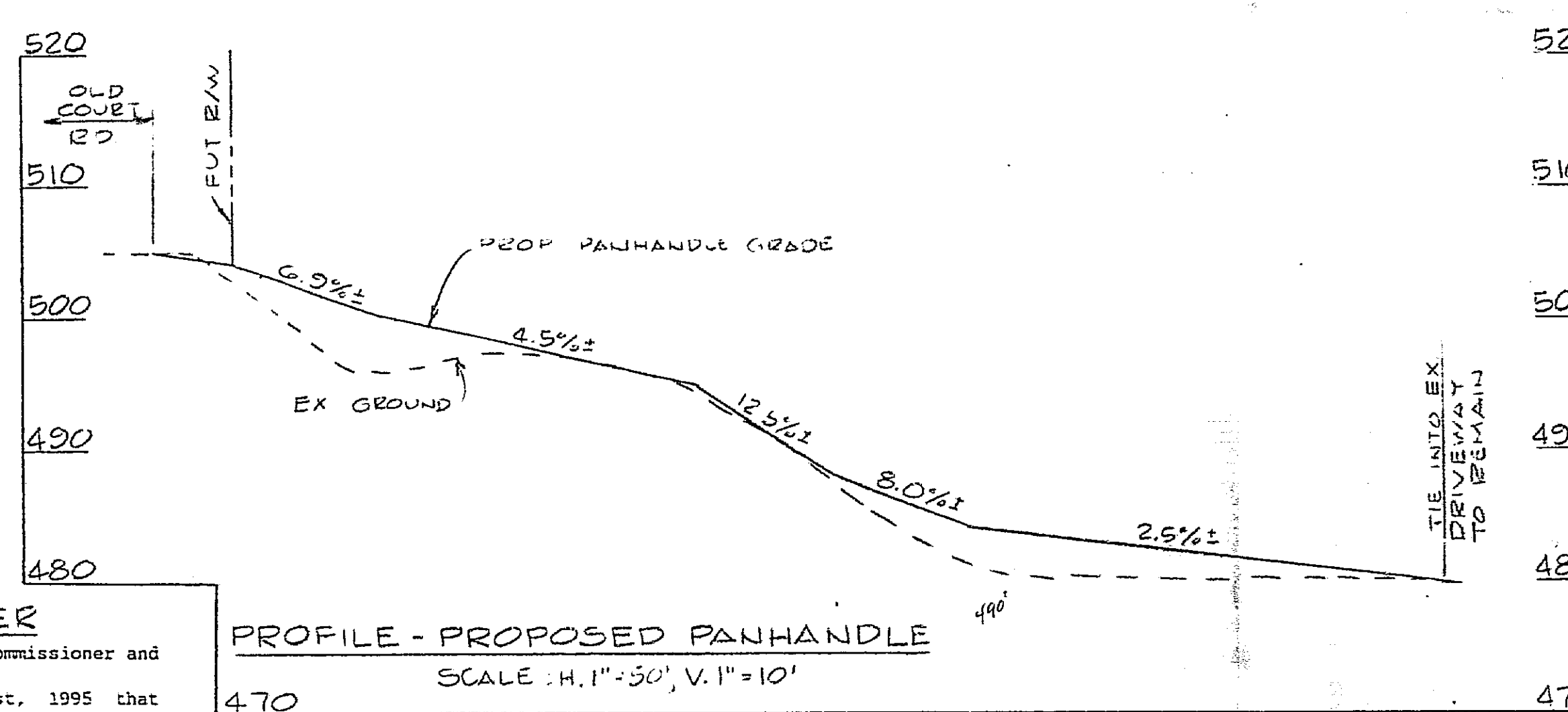
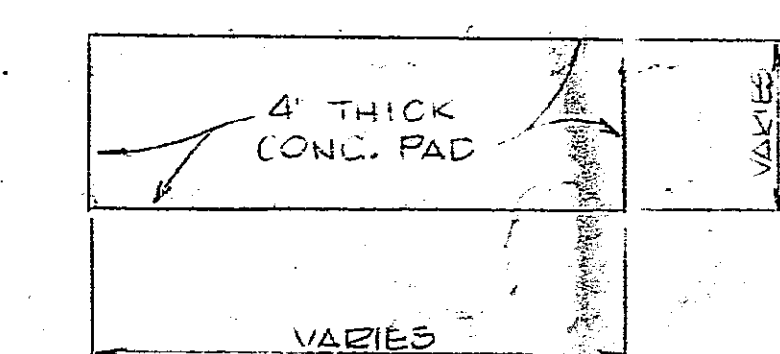
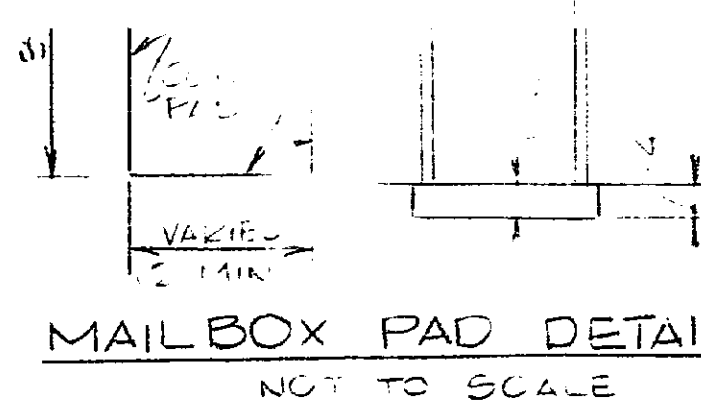
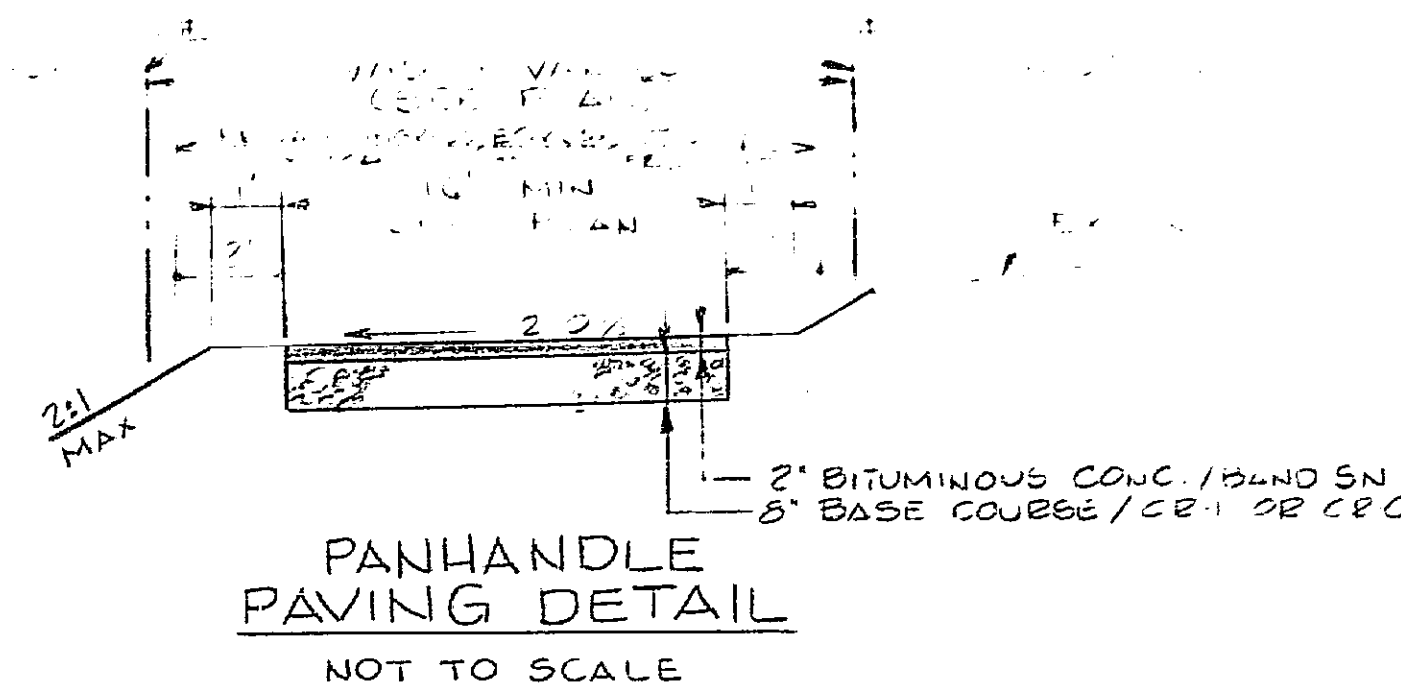


# GENERAL NOTES:

3. DEED REFERENCE: 6188/770 (SEE ATTACHED)
4. ELECTION DISTRICT: 3 COUNCILMANIC DISTRICT: 2
5. CENSUS TRACT NO.: 4038.03
6. WATERSHED: 74
7. SUBWATERSHED: 58
8. WATER AND SEWER DESIGNATION: W-3 & S-5
9. NO HISTORIC BUILDINGS EXIST ON SITE.
10. WETLANDS HAVE BEEN FIELD LOCATED AND VERIFIED BY A REPRESENTATIVE OF BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, AND ARE SHOWN ON THE PLAN.
11. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, OR HAZARDOUS MATERIALS ON SITE.
12. A VARIANCE FROM STORM WATER MANAGEMENT QUANTITY CONTROL WAS GRANTED FOR THIS SITE ON MARCH 5, 1992.
13. WATER QUALITY FOR THE SITE WILL BE ACHIEVED BY RUNOFF FLOWING THROUGH THE VEGETATED AREAS ON-SITE (SEE VARIANCE REQUEST, 3-5-92).
14. FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES:  
(SEE NOTE 28 FOR ADDITIONAL INFORMATION)  
A) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.  
B) ANY FOREST BUFFER EASEMENT & FOREST CONSERVATION EASEMENT SHOWN HEREIN IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY, WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
15. SEPTIC RESERVE AREAS:  
SOIL EVALUATION TESTS WERE CONDUCTED FOR THE SEPTIC RESERVE AREAS SHOWN ON THIS PLAN, AND THE RESULTS ARE ON FILE WITH BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, GROUNDWATER MANAGEMENT.
16. A FINAL LANDSCAPE PLAN MUST BE APPROVED BY THE BALTIMORE COUNTY PLANNING OFFICE PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
17. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 & 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
18. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OF HYDRIC SOILS.
19. DIRECTOR OF P.L.A. NOTES: THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF P.L.A. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH THE APPROVED POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ANY OTHER PURPOSE OTHER THAN THAT FOR WHICH IT WAS UTILIZED. THE DEVELOPER SHALL HAVE THE BURDEN OF PROOF TO SHOW THAT ANY SUCH DEVELOPMENT IS NOT A VIOLATION OF THE ZONING REGULATIONS.
20. IF A PART OF THE TRACT IS TO BE FENCED, THEN AT LEAST ONE FENCE LINE SHALL BE SET BACK FROM THE TRACT BOUNDARY.
21. THIS DEVELOPMENT PLAN IS SUBJECT TO THE DEVELOPMENT PLAN AND ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE PLAN.
22. THE DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE PLAN.
23. PRIVATE PAVING AREAS, INCLUDING PANHANDLE DRIVES SHALL BE PAVED IN ACCORDANCE WITH THE PLAN. THE PAVING SHALL BE OF THE FOLLOWING TYPE: 1. ASPHALT (DRAINAGE DISTRESS BITUMINOUS CONCRETE, MACADAM OR PORTLAND CEMENT CONCRETE).
24. ALL PROPOSED DWELLINGS TO BE SOLID.
25. TRASH COLLECTION TO BE BY BALTIMORE COUNTY, IN FRONT OF LOTS. (TRASH PAD DETAIL SHOWN FOR PANHANDLE LOTS 3 THRU 7).
26. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY TO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION, A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
27. FOR THE PURPOSES OF THIS PLAN, THE DEVELOPER SHALL HAVE THE BURDEN OF PROOF TO SHOW THAT ANY SUCH DEVELOPMENT IS NOT A VIOLATION OF THE ZONING REGULATIONS. Spot check Sept '90
28. A VARIANCE HAS BEEN GRANTED FROM THE FOREST CONSERVATION EASEMENT ON JUNE 21, 1990, TO ALLOW 21% OF THE FOREST RESERVE AREAS HAVE THE FOREST CONSERVATION EASEMENT. SEE THE FINAL FOREST CONSERVATION PLAN FOR CONDITIONS REGARDING THE USE OF AND FOR CONDITIONS REGARDING THE USE OF AND

DENSITY CALCULATION									
LOT AREA	1/4 AC	1/2 AC	3/4 AC	1 AC	1 1/2 AC	2 AC	3 AC	4 AC	5 AC
10.24	N/A	10.24	15.36	20.48	30.72	40.96	51.20	61.44	71.68
3.04	N/A	3.04	4.56	6.08	9.12	12.16	15.20	18.24	21.28
7.80	N/A	7.80	11.70	15.60	23.40	31.20	39.04	46.88	54.72

- 1) ORIGINAL TRACT AS DESCRIBED IN DEED 6188/770.
- 2) LOT SOLD TO LEW & BEKA SCHON THROUGH MINOR SUB-DIVISION OF PATZ PROPERTY (91079M).
- 3) REMAINDER OF ORIGINAL TRACT TO BE SUB-DIVIDED (AS PROPOSED THROUGH MINOR SUB-DIVISION OF PATZ PROPERTY, AND APPROVED BY BALTO CO. G-3-91 (AMENDED 3-5-91)).



**HEARING OFFICER'S ORDER**  
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 14th day of August, 1995 that the development plan for the Trees Property, identified herein as Developer's Exhibit 2, be and is hereby APPROVED, subject to the following restrictions:

- 1) The Developers may apply for their building permits and be granted same upon receipt of this Order; however, the Developers are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Developer shall provide field run surveys of the stream buffer that traverses this property in the event DEPRM requires same to be provided.
- 3) The Developer must obtain either a waiver or a variance from the S.C.D.R. for the panhandle driveway to Lot 7 to remain in its present configuration. In the event the Developer is unsuccessful in either alternative, the Developer must reconfigure Lot 7 to comply with the panhandle regulations.
- 4) No building permits shall be issued until such time as public water is extended to each lot in this subdivision.
- 5) Prior to the issuance of a building permit for a house on Lot 6, the Developer shall submit elevation drawings to the Office of Planning and Community Conservation for a determination as to whether that house is compatible with the Schon house located on the adjacent property. The Office of Planning and Community Conservation shall have the final say on the issue of compatibility.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

**PROFILE - PROPOSED PANHANDLE**  
SCALE: H. 1"=50', V. 1"=10'

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as and is given in accordance with the provisions of Section 22-35(C) of the Baltimore County Code, 1974, as amended.

I, the undersigned, now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed to Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.

I HEREBY CERTIFY, that on this 14th day of August, 1995, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Anthony M. Schone and made oath in due form of law that the matters and facts hereinabove set forth are true.

My Commission Expires: 11/1/95

**2ND AMENDED DEVELOPMENT PLAN/ FINAL DEVELOPMENT PLAN GENERAL NOTES & DETAILS**

**TREES PROPERTY - ZADM# III-369**  
BALTIMORE COUNTY, MD

**REASONS FOR 2ND AMENDMENT**  
(DATE OF 2ND AMENDMENT)  
RESUBDIVISION OF PATZ PROPERTY FROM MINOR SUBDIVISION TO MAJOR SUBDIVISION

**OFFICE OF PLANNING & ZONING**  
APPROVED BY:

DIRECTOR OF PLANNING DATE:

DIRECTOR OF P.C.M. DATE:

PLANNING & ZONING  
OFFICE OF PLANNING & ZONING  
BALTIMORE COUNTY, MD

1/12/95 AMENDED TO SHOW HOW COMMENTS

**DEVELOPMENT ENGINEERING CONSULTANTS, INC.**  
SITE ENGINEERS & SURVEYORS  
600 YORK ROAD  
BALTIMORE MARYLAND 21212

**CASE No: 96-290-SPH**  
(ITEM 291)

**DEVELOPER/CONTRACT PURCHASER**  
WILLY BELMAN & BEKA SCHON  
3401 KENNER ROAD  
E. NORTON MD, 21228

**HEARING OFFICER**  
DOROTHY M. MURPHY  
BALTIMORE COUNTY

**ELECTION DISTRICT NO. 302**

**2**  
**5-26-95**  
**2**

**34-18**